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FILE NO. 98-1039 **ORDINANCE NO. 301-98**

[Paratransit]

AMENDING PART II, CHAPTER VIII, ARTICLE 16 OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY ADDING SECTION 1147.8 THERETO, REQUIRING ALL TAXICAB COLOR SCHEMES TO PARTICIPATE IN THE CITY'S PARATRANSIT PROGRAM.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 16 of the San Francisco Police Code is hereby amended by adding Section 1147.8, to read as follows:

SEC. 1147.8. PARTICIPATION IN PARATRANSIT PROGRAM.

(a) Beginning January 1, 2000, each holder of a taxicab color scheme permit, as defined in Section 1125 of this Article, must participate in the City's paratransit program. The color scheme permit-holder must be under contract to and approved for participation by the Paratransit Broker who operates the Paratransit Program of the Public Transportation Commission.

(b) Thereafter, each color scheme permit-holder shall operate at all times subject to the rules and regulations of the City's Paratransit Program, including, but not limited to, the paratransit scrip program, the debit card program including hardware and software capabilities, fare discount and reimbursement procedures, and training in safe and courteous paratransit operations. Each taxicab permit-holder who enters into an agreement or contract with a color scheme permit-holder to use that color scheme, and each taxicab driver who

operates under a taxicab permit affiliated with the color scheme, shall at all times operate subject to the rules and regulations of the City's Paratransit Program.

(c) The Chief of Police, in consultation with the Paratransit Program, may issue appropriate rules and regulations to ensure compliance with this Section.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Thomas J. Owen
THOMAS J. OWEN
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
September 22, 1998	§	September 28, 1998
	§	
	§	
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
	§	
	§	
Absent: Supervisor Bierman	§	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-1039

OCT - 9 1998
Date Approved

Mayor

FILE NO. 98-1334 ORDINANCE NO. 302-98

(Landmarks)

DESIGNATING 1800 MARKET STREET, THE CARMEL FALLON BUILDING, AS LANDMARK NO. 223 PURSUANT TO ARTICLE 10 OF THE PLANNING CODE.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby finds that 1800 Market Street, the Carmel Fallon Building, being the eastern approximately 2,200 square feet of Lot 14 in Assessor's Block 871, has a special character and special historical, architectural and aesthetic interest and value, and that its designation as a Landmark will further the purposes of, and conform to the standards set forth in Article 10 of the City Planning Code.

(a) Designation: Pursuant to Section 1004 of the City Planning Code, Chapter II, Part II of the San Francisco Municipal Code, 1800 Market Street, the Carmel Fallon Building, is hereby designated as Landmark No. 223. This designation has been fully approved by Resolution No. 14658 of the Planning Commission, which Resolution is on file with the Clerk of the Board of Supervisors under File No. 98-1334 and which Resolution is incorporated herein and made part hereof as though fully set forth.

(b) Required Data:

(1) The description, location and boundary of the Landmark site is the eastern approximately 2,200 square-foot portion of Lot 14 in Assessor's Block 871.

(2) The characteristics of the Landmark which justify its designation are described and shown in a Final Landmark Designation Report adopted by the Landmarks Preservation Advisory Board on June 3, 1998 and other

SUPERVISORS KATZ, LENO, AMMIANO, BIERMAN, YAKI, NEWSOM, KAUFMAN

supporting materials contained in Planning Department Docket No. 97.834L.

(3) That the particular exterior features that should be preserved, or replaced in-kind as determined necessary, are those generally shown on the exterior schematic design for the Carmel Fallon Building, entitled "Proposed South Elevation", "Proposed East Elevation", "Existing North Elevation", and "Proposed Ground Flr. Perimeter Plan," all dated May 15, 1998, and attached to Landmarks Preservation Advisory Board Resolution No. 502 as "Exhibit B", which is incorporated in this designation ordinance as though fully set forth.

APPROVED AS TO FORM:
LOUISE H. RENNE
BY Kate Stacy
Kate Stacy
Deputy City Attorney

RECOMMENDED:
PLANNING COMMISSION
BY
Gerald G. Green
Director of Planning

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Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
September 22, 1998	$	September 28, 1998
	$	
	$	
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	$	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
	$	
Absent: Supervisor Bierman	$	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Gloria L. Young
Clerk

File No.
98-1334

OCT - 9 1998
Date Approved

Willie L. Brown Jr.
Mayor

As divided in Committee.

FILE NO. 98-1404

ORDINANCE NO. 303-98

RO# 98014

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR CITY AND COUNTY PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1999.

Be It Ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for City and County purposes, for the fiscal year ending June 30, 1999, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of one dollar, five and three hundred fifty thousandths, six hundred forty-six millionths cents ($1.05350646) on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum as aforesaid is hereby apportioned in accordance with the provisions of Section 18.103 of the Charter to the funds and accounts and for the purpose designated as follows:

For the General Fund to meet the expenses of the City and County of San Francisco not subject to said limitations of Section 18.103 of the Charter, including the cost of elections, the construction, maintaining and improving of streets, sewers and buildings, parks, squares, playgrounds and libraries, obligations imposed by the State Legislative or Constitutional enactment, and obligations imposed by the vote of the People of the City and County of San Francisco,

the rate of	$ .82418319 [1]
For the Library Preservation Fund, the rate of	.02500000
For the San Francisco Children's Fund, the rate of	.02500000
For the Open Space Acquisition Fund, the rate of	.02500000
For the County Superintendent of Schools, the rate of	.00097335
For the Bond Interest and Redemption Fund, the rate of	.14493925
SUBTOTAL	**$1.04509579**
Bay Area Air Quality Management District, the rate of	.00208539
Bay Area Rapid Transit District, the rate of	.00632528
Total Tax Rate for City and County of San Francisco	**$1.05350646**

[1] Includes state tax shift to the Educational Revenue Augmentation Fund.

Prepared By:

Controller

Approved As To Form:
Louise H. Renne, City Attorney

BY: Theodore R. Lakey
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
September 22, 1998	§	September 28, 1998
	§	
	§	
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
	§	
Absent: Supervisor Bierman	§	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1404

OCT - 9 1998
Date Approved

Mayor

FILE NO. 98-1405

ORDINANCE NO. 304-98

RO# 98015

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR SAN FRANCISCO UNIFIED SCHOOL DISTRICT PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1999.

Be It Ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for San Francisco Unified School District purposes, for the fiscal year ending June 30, 1999, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of eight and thirty-six thousandths, nine hundred thirty-two millionths ($0.08036932) cents on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum is hereby apportioned as follows:

For general purposes, the rate of	$.07698857
For debt service under the Field Act, the rate of	.00338075
Total	.08036932

Prepared By:

Controller

Approved As To Form:
Louise H. Renne, City Attorney

BY: Deputy City Attorney

Levyusd.doc

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 22, 1998	September 28, 1998
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
Absent: Supervisor Bierman	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1405

OCT - 9 1998
Date Approved

Mayor

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FILE NO. 98-1406 ORDINANCE NO. 305-98

RO# 98016

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR SAN FRANCISCO COMMUNITY COLLEGE DISTRICT PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1999.

Be It Ordained by the People of the City and County of San Francisco:

SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for San Francisco Community College District purposes, for the fiscal year ending June 30, 1999, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of one and four hundred forty-four thousandths, four hundred twenty-two millionths ($0.01444422) cents on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year.

Prepared By:

Controller

Approved As To Form:
Louise H. Renne, City Attorney

BY: Deputy City Attorney

Levycoll.doc

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 22, 1998	September 28, 1998
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
Absent: Supervisor Bierman	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1406

OCT - 9 1998
Date Approved

Mayor

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FILE NO. 98-1407
(Government Funding)

ORDINANCE NO. 306-98
RO#98017

AMENDING THE ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 1998-99, FILE NUMBER 98-0850, ORDINANCE NUMBER 242-98, ADJUSTING APPROPRIATIONS TO MEET THE REQUIREMENTS OF THE ART COMMISSION PURSUANT TO CHARTER SECTION 16.106.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The Annual Appropriation Ordinance for Fiscal Year 1998-99, File Number 98-0850, Ordinance Number 242-98, is hereby amended by the following amounts as indicated (in revenue appropriations and resources, AAO budget accounts, increases are shown as debits while decreases are shown as credits; in expenditure appropriations and reserves, increases are shown as credits while decreases are shown as debits):

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund	**Department**	**Program**	
1G-AGF-AAA General Fund - Non Projects Fund	GE-GEN General City Responsibilities	XXX Non Program	
Funding Sources			
099-099GR (*CON1GAGFAAA)	Unappropriated Revenue-Unreserved General Reserve	$38,338	
Funding Uses			
095-0951G (GEAGFAAA951G)	Intrafund Transfer Out to 1G-AGF-AAP, General Fund Annual Project, UNA		$38,338
	Total	$38,338	$38,338

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund	**Department**	**Program**	
1G-AGF-AAP General Fund - Annual Project Fd.	UN-UNA General Fund Unallocated	XXX Non-Program	
Funding Sources			
950-9501G (UNAGFAAP501G)	Intrafund Transfer In from General Fund Non-Project Fund, GEN	$38,338	
Fund	**Department**	**Program**	
1G-AGF-AAP General Fund - Annual Project Fd.	AR-ART Art Commission	EEQ Municipal Symphony Concerts	
Project			
PAR004	Art Commission Projects		
Funding Uses			
021-03500 (289901)	Other Current Expenses		$38,338
	Total	$38,338	$38,338

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: _____

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BOARD OF SUPERVISORS

DOCUMENTS DEPT.
NOV 18 1998

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
September 22, 1998	§	September 28, 1998
	§	
	§	
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
	§	
Absent: Supervisor Bierman	§	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-1407

OCT - 9 1998
Date Approved

Mayor

FILE NO. 98-1424 ORDINANCE NO. 307-98

[Equipment Lease]

APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY BY THE CITY AND COUNTY OF SAN FRANCISCO OF AN AMENDED AND RESTATED EQUIPMENT LEASE AND AN EQUIPMENT LEASE SUPPLEMENT NO. 7 EACH BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO FINANCE CORPORATION, AS LESSOR, AND THE CITY AND COUNTY OF SAN FRANCISCO, AS LESSEE, WITH RESPECT TO EQUIPMENT TO BE USED FOR CITY PURPOSES, A RELATED CERTIFICATE OF APPROVAL AND A CONTINUING DISCLOSURE CERTIFICATE; APPROVING THE ISSUANCE OF LEASE REVENUE BONDS BY SAID NONPROFIT CORPORATION IN AN AMOUNT NOT TO EXCEED $11,500,000; PROVIDING FOR REIMBURSEMENT TO THE CITY OF CERTAIN CITY EXPENDITURES INCURRED PRIOR TO THE ISSUANCE OF LEASE REVENUE BONDS; AND PROVIDING FOR THE EXECUTION OF DOCUMENTS IN CONNECTION THEREWITH AND RATIFYING PREVIOUS ACTIONS TAKEN IN CONNECTION THEREWITH.

Note: This entire section is new.

Subject to Certification by the Controller of the City and County of San Francisco Be it Ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors (the "Board") of the City and County of San Francisco hereby makes the following findings:

A. Pursuant to Section 9.108(3) of the Charter of the City and County of San Francisco (the "Charter") (the successor provision to Section 7.309(c)(3) of the Charter of 1932, which was approved by the voters of the City in June 1990), the Board may approve lease financings involving a nonprofit corporation established for such purposes for the

acquisition of equipment, the obligations with respect to which shall not exceed in the aggregate at one time a principal amount of $20 million increased by five percent in each fiscal year provided that the Controller of the City and County of San Francisco (the "Controller") makes the required certification prior to the sale of such obligations; and

B. The City and County of San Francisco Finance Corporation (the "Corporation"), a California nonprofit public benefit corporation, has been formed to, among other purposes, serve as the nonprofit corporation pursuant to Section 9.108(3) of the Charter; and

C. The Board has previously entered into an equipment lease (the "Equipment Lease") with the Corporation to provide for the acquisition, construction and installation of equipment to be used for City purposes by the Corporation and the leasing of said equipment and certain equipment subject to existing leases to the City and County of San Francisco (the "City"); and

D. The Board has determined that it is desirable and convenient to restate the Equipment Lease as heretofore amended; and

E. The Board has determined to enter into an Equipment Lease Supplement No. 7 (Series 1998A Bonds) to provide for the acquisition, construction and installation of additional equipment to be used for City purposes by the Corporation and the leasing of said equipment to the City; and

F. The Corporation proposes to issue lease revenue bonds secured by base rentals to be paid by the City under the Equipment Lease as modified by said Equipment Lease Supplement No. 7 (Series 1998A Bonds); and

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NOV 13 1998

G. Securities and Exchange Commission Rule 15c2-12(b)(5) (the "Rule") requires that the City agree to provide certain annual financial information and notice of certain specified events if material to Participating Underwriters (as defined in the Rule) and to bondholders and beneficial owners of the Bonds.

Section 2. Approval of Form of Amended and Restated Equipment Lease, Equipment Lease Supplement and Certificate of Approval. In accordance with the recommendation of the Mayor's Office of Public Finance of the City, the form of Amended and Restated Equipment Lease (the "Amended and Restated Equipment Lease") including the amendments to §§1.01 and 14.02 thereof allowing future supplements to be authorized by resolution, Equipment Lease Supplement No. 7 (Series 1998A Bonds) (the "Equipment Lease Supplement") by and between the Corporation and the City and the related Certificate of Approval presented to this Board of Supervisors, copies of which are on file with the Clerk of the Board in File No. 98-1424, are hereby approved. The Mayor of the City (the "Mayor") is hereby authorized to execute the Amended and Restated Equipment Lease, the Equipment Lease Supplement and the related Certificate of Approval, and the Clerk of the Board is hereby authorized to attest and affix the seal of the City on the Amended and Restated Equipment Lease and the Equipment Lease Supplement, in substantially the forms presented to the Board, with such modifications, changes, or additions as the Mayor may make or approve in accordance with Section 3 hereof.

Section 3. Modifications to Amended and Restated Equipment Lease, Equipment Lease Supplement and Certificate of Approval. The Mayor is hereby authorized to approve

and make such modifications, changes or additions to the Amended and Restated Equipment Lease, the Equipment Lease Supplement and the Certificate of Approval, upon consultation with the City Attorney of the City, as may be necessary or desirable in the interests of the City, and which changes do not materially increase the obligations of the City under the Equipment Lease, as supplemented by the Equipment Lease Supplement, such approval to be conclusively evidenced by the execution and delivery by the Mayor and the Clerk of the Board of the Equipment Lease Supplement and by the Mayor of the Certificate of Approval; provided, however, that the total project costs of the project (the "Project") to be financed with the proceeds of the Bonds (as defined hereinafter) shall not exceed $11,500,000; and provided, further, that the maximum annual base rental payable under the Equipment Lease Supplement with respect to the Project shall not exceed $3,200,000.

Section 4. Approval of Issuance of Corporation Bonds. The issuance by the Corporation of not to exceed $11,500,000 aggregate principal amount of City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 1998A (the "Bonds") to be secured by the payment of base rental by the City pursuant to the Equipment Lease, as supplemented by the Equipment Lease Supplement, is hereby approved; provided, however, that the Bonds shall not be issued unless prior to the sale thereof, the Controller certifies that in his opinion the net interest cost to the City will be lower as a result of the issuance of the Bonds than other financings involving a lease or leases.

Section 5. Reimbursement of Certain Expenditures. In the event that the City pays certain capital expenditures from its general fund in connection with the equipment listed on

Exhibit A to the Equipment Lease Supplement (the "Equipment") submitted to the Board with this ordinance and prior to the issuance of the Bonds or other indebtedness for the Equipment, such payments will be made with the reasonable expectation by the City that such payments will be reimbursed, and the Board reasonably expects to reimburse such fund, for such expenditures from the proceeds of the Bonds or such other indebtedness. Pursuant to Treasury Regulation Section 1.150-2, the City hereby declares its official intent to be reimbursed from the proceeds of the Bonds or other indebtedness for such Equipment expenditures. This ordinance may be ratified and confirmed by the Corporation prior to the issuance by the Corporation of any indebtedness for the Equipment and, if so ratified and confirmed, shall be deemed to be an action of the Corporation as of the date hereof. Section 5 of this Ordinance is enacted by the City solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations, and does not bind the City or the Corporation to make any expenditure, incur any indebtedness or proceed with the Project.

Section 6. Approval of Form of Continuing Disclosure Certificate. The form of Continuing Disclosure Certificate (the "Certificate") executed and delivered by the City, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 98-1424, is hereby approved. The Mayor or his designee or the Controller are hereby authorized to execute the Certificate, in substantially the form presented to the Board, with such modifications, changes, or additions as the Mayor, his designee, or the Controller may make or approve upon consultation with the City Attorney, such approval to be conclusively

evidenced by the execution and delivery of the Certificate.

Section 7. General Authorization. The Mayor, the City Attorney, the Controller, the Director of Public Finance, the Clerk of the Board and the other officers of the City and their duly authorized deputies and agents are hereby authorized and directed, jointly and severally, to execute and deliver such certificates, requests or other documents, including, but not limited to, certificates relating to the official statement for the Bonds in preliminary or final form or to other offering material relating to the Bonds, as they may deem necessary or desirable to facilitate the execution and delivery by the City of the Amended and Restated Equipment Lease, the Equipment Lease Supplement and of the Certificate of Approval and the consummation of the financing contemplated thereby, and to otherwise carry out the provisions of this ordinance.

Section 8. Ratification of Prior Acts. All actions authorized and directed by this ordinance and heretofore taken are hereby ratified, approved and confirmed by this Board of Supervisors.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: _____
JOSEPH FRESCHI
Deputy City Attorney

NOV 13 1998

Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
September 22, 1998	$	September 28, 1998
	$	
	$	
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	$	Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee
	$	
Absent: Supervisor Bierman	$	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-1424

OCT - 9 1998
Date Approved

Mayor

FILE NO. 98-0140

ORDINANCE NO. 308-98

(Government Funding)

RO#98026
SA#07

APPROPRIATING $1,500,000 COMMUNITY HEALTH SERVICE TOBACCO SETTLEMENT REVENUE, TO FUNDS FOR HEALTH EDUCATION, PROMOTION AND ENFORCEMENT PROGRAMS TO DISCOURAGE SMOKING AMONG MINORS, AND FOR THE CREATION OF 2.1 NEW POSITIONS AT THE DEPARTMENT OF PUBLIC HEALTH-COMMUNITY HEALTH SERVICE, FOR FISCAL YEAR 1998-99 ; PLACING $553,405 ON RESERVE.

9/23/98
jlb

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1998-1999 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund	**Department**	**Program**	
2S-CHS-PHF Community Health Svcs. Special Rev. Fund	HPH-HC-O3 Public Health-Community Health Health Education	DPH Comm. Health-Prevention-Health Education	
Funding Sources			
Project PHCSRP	Tobacco Settlement-Health Education-Promotion		
xxxxxxxxxxxx (HCHPHHLTEDSR)	Tobacco Settlement	$1,500,000	
Funding Uses			
001-00101 (HCHPHHLTEDSR)	Permanent Salaries - Misc.		$131,465
013-01901 (HCHPHHLTEDSR)	Fringe Benefits		$28,900
021-02300 (HCHPHHLTEDSR)	Employee Field Expense		$650
021-02700 (HCHPHHLTEDSR)	Professional Services		$1,053,905
021-03000 (HCHPHHLTEDSR)	Rent & Leases		$8,500
021-03500 (HCHPHHLTEDSR)	Other Current Expenses		$8,735
040-04000 (HCHPHHLTEDSR)	Materials and Supplies		$6,450
060-06000 (HCHPHHLTEDSR)	Equipment		$6,900
081-081AW (HCHPHHLTEDSR)	Services of Other Department - County Agri/Weights & Measures		$100,000
081-081ET (HCHPHHLTEDSR)	Services of Other Department - TIS-Telephone		$2,895
081-081PM (HCHPHHLTEDSR)	Services of Other Department - Purchasing - Mail Services		$600
081-081PR (HCHPHHLTEDSR)	Services of Other Department - Purchasing - Reproduction		$1,000
081-081PS (HCHPHHLTEDSR)	Services of Other Department- Police Security		$150,000
	Total	$1,500,000	$1,500,000

Section 2. Funds are appropriated for the creation of 2.1 positions by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 98-0141) as follows:

Class No.	Classification Title	Rate	Number of Positions Created
Project: Tobacco Settlement-Health Education-Promotion Index Code: HCHPHHLTEDSR; Sub-Object - 00101			
2822 N	Health Educator	1904B2314	1.6
1426 N	Senior Clerk Typist	1270B1539	0.5
Total Positions created on Index Code HCHPHHLTEDSR:			2.1

BOARD OF SUPERVISORS

(Supervisors Teng, Newsom)

BOARD OF SUPERVISORS

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Section 3. The Board of Supervisors hereby places a total of $553,405 on reserve ($453,405 from professional services pending the results of Phase 1 of the project and $100,000 from Services of Other Department - County Agri/Weights & Measures pending submission of annual salary ordinance for new positions) to be released by the Finance Committee.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

DEPARTMENT OF HUMAN RESOURCES

BY: Andrea R. Gourdine
ANDREA R. GOURDINE, DIRECTOR

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: _____

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BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
September 28, 1998	$	October 5, 1998
	$	
	$	
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	$	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
	$	
	$	
Absent: Supervisor Bierman	$	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0140

OCT 16 1998

Date Approved

Mayor

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NOV 13 1998

FILE NO. 98-0141 ORDINANCE NO. 309-98

PUBLIC EMPLOYMENT SAL. ORD. AMEND. NO. 2

AMENDING ORDINANCE NO. 243-98 (ANNUAL SALARY ORDINANCE, 1998/99) REFLECTING THE CREATION OF 2.1 NEW POSITIONS IN THE DEPARTMENT OF PUBLIC HEALTH, COMMUNITY HEALTH SERVICE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 243-98, (Annual Salary Ordinance, 1998/99) are hereby amended so that the same shall read as follows:

Department:	HPH	Public Health
Program:	DPH	Community Hlth-Prevention
Sub-Fund:	2S-CHS-PHF	Community Health Svcs Special Rev Fund
Project:	PHCSRP	Tobacco Settlement-Health Education-Promotion

Amendment	No. Pos.	Class and Item No.		Compensation Schedule
9/23/98 jlb 1.60 Added	1.60	2822 ~~N~~ L Health Educator	SC	$1904B2314
0.50 Added	0.50	1426 ~~N~~ L Senior Clerk Typist	SC	$1270B1539

APPROVED AS TO CLASSIFICATION:
DEPARTMENT OF HUMAN RESOURCES

Andrea R. Gourdine

HUMAN RESOURCES DIRECTOR

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: TGW
DEPUTY CITY ATTORNEY

(Supervisors Teng, Newsom)

NO. 2

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisor Bierman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0141

OCT 16 1998
Date Approved

Mayor

DOCUMENTS DEPT
NOV 13 1998

FILE NO. 98-1176 ORDINANCE NO. 310-98

[Settlement of Grievance]

AUTHORIZING SETTLEMENT OF THE PAY GRIEVANCE OF FARIBA MAHMOUDI FILED PURSUANT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO, AND THE CITY AND COUNTY OF SAN FRANCISCO IN THE AMOUNT OF FIFTEEN THOUSAND SEVEN HUNDRED FORTY EIGHT DOLLARS AND SIXTY SIX CENTS ($15,748.66).

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby authorizes the Human Resources Director, to settle the Pay grievance of Fariba Mahmoudi filed by the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, pursuant to the Memoranda of Understanding for the amount of Fifteen Thousand Seven Hundred Forty-Eight Dollars and Sixty-Six Cents ($15,748.66).

LOUISE H. RENNE
CITY ATTORNEY

JONATHAN V. HOLTZMAN
CHIEF DEPUTY CITY ATTORNEY

APPROVED AS TO FORM
FUNDS AVAILABLE

EDWARD HARRINGTON
CONTROLLER

ANDREA GOURDINE
HUMAN RESOURCES DIRECTOR

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisor Bierman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1176

OCT 16 1998
Date Approved

Mayor

DOCUMENTS DEPT
NOV 13 1998

FILE NO. 98-1380 ORDINANCE NO. 371-98

[Annual Report]

AMENDING CHAPTER 1, PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY ADDING SECTION 1.56, IMPLEMENTING CHARTER SECTION 4.103 BY REQUIRING EVERY BOARD OR COMMISSION TO PREPARE AN ANNUAL REPORT AS PART OF ITS ANNUAL STATEMENT OF PURPOSE UNDER CHARTER SECTION 4.102(2).

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 1 of the San Francisco Administrative Code is hereby amended by adding Section 1.56, to read as follows:

SEC. 1.56. ANNUAL REPORTS.

Every board or commission of the City and County shall prepare an annual report describing its activities as part of the Annual Statement of Purpose required under Charter Section 4.102(2). The report shall contain a general summary of the department's services and programs presented in terms and format accessible to the average citizen, and any highlights and achievements of the prior year that the department wishes to include.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Thomas J. Owen
THOMAS J. OWEN
Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisors Bierman Kaufman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1380

OCT 16 1998
Date Approved

Mayor

DOCUMENTS DEPT.
NOV 13 1998

FILE NO. 98-1408 ORDINANCE NO. 312-98

RO#98021

[Settlement of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF JEREMIAH S. LEVY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $135,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "JEREMIAH S. LEVY V. CITY AND COUNTY OF SAN FRANCISCO, Superior Court No. 989-825," by the payment of $135,000.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

CONTROLLER

SM-AAA-AAA 35-00-00
352730 05311 $135,000.00

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisors Bierman Kaufman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1408

OCT 16 1998
Date Approved

Mayor

DOCUMENTS DEPT
NOV 18 1998

FILE NO. 98-1409 ORDINANCE NO. 313-98

RO#98018

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF CRISPINA LUPPINO AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $40,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Crispina Luppino, et al., v. City and County of San Francisco, et al., Superior Court No. 983-774 by the payment of $40,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joanne Hoyer For

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

5M-AAA-AAA 35-00-00
352730 05311 $40,000.00

NAME OF SUPERVISOR/COMMITTEE/DEPARTMENT
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisors Bierman Kaufman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1409

OCT 16 1998
Date Approved

Mayor

DOCUMENTS DEPT
NOV 13 1998

FILE NO. 98-1410 ORDINANCE NO. 314-98

RO#98020

[Settlement of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF NANCY NAU-OLSON AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $35,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "NANCY NAU-OLSON V. CITY AND COUNTY OF SAN FRANCISCO, Superior Court No. 988-257," by the payment of $35,000.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

CONTROLLER

5M-AAA-AAA 35-00-00
352730 05311 $35,000.00

BOARD OF SUPERVISORS

6/15/98

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
September 28, 1998	§	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisors Bierman Kaufman	§	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1410

OCT 16 1998
Date Approved

Mayor

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NOV 13 1998
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FILE NO. 98-1411 ORDINANCE NO. 315-98
RO#98019

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF CYNTHIA LEWIS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $70,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Cynthia Lewis, et al., v. City and County of San Francisco, et al., Superior Court No. 984-918 by the payment of $70,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joann Hoyer FOR
PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

John Wheddon
EDWARD HARRINGTON
Controller

5M-AAA-AAA 35-00-00
352730 05311 $70,000.00

NAME OF SUPERVISOR/COMMITTEE/DEPARTMENT
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisors Bierman Kaufman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Gloria L. Young
Clerk

File No.
98-1411

OCT 16 1998
Date Approved

William Newsom
Mayor

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FILE NO. _____ ORDINANCE NO. 316-98

[SETTLEMENT OF LAWSUIT]

AUTHORIZING THE CITY TO RELEASE, DISCHARGE, DEFEND, AND INDEMNIFY CROSS-DEFENDANTS A. RUIZ CONSTRUCTION COMPANY ("RUIZ"), HALEY & ALDRICH ("HALEY"), EPC CONSULTANTS, INC. ("EPC"), AND UNDERGROUND CONSTRUCTION MANAGERS ("UNDERGROUND"), AS CONSIDERATION FOR THE APPROVED $7,816,666 SETTLEMENT PAYMENT TO THE CITY IN THE CONSOLIDATED ACTIONS ENTITLED *YEE V. CITY AND COUNTY OF SAN FRANCISCO, AND CONSOLIDATED ACTIONS*

Section 1. The City Attorney is hereby authorized to include an indemnity provision in the settlement agreement between the City and County of San Francisco and Cross-defendants A. Ruiz Construction Company ("Ruiz"), Haley & Aldrich ("Haley"), EPC Consultants, Inc. ("EPC"), and Underground Construction Managers ("Underground") for the consolidated actions entitled *Yee v. City and County of San Francisco, and consolidated actions,* San Francisco Superior Court No. 980-740. As part of that settlement the Board of Supervisors has already approved a combined settlement payment from the cross-defendants to the City in the amount of $7,816,666, plus an additional payment by Haley to the City to reimburse the City for a portion of its litigation costs incurred in defense of the third-party claims in the referenced litigation. As consideration for this settlement, in addition to dismissal of its cross-complaints, the City will also agree to release, discharge, defend, and indemnify the settling cross-defendants from all claims, actions, and causes of action for damages caused by the December 11, 1995 Seacliff sinkhole incident. The City will continue

to maintain its rights to pursue its action against contractors Shank Balfour/Beatty and its insurance carriers.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: _____
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:
PUBLIC UTILITIES COMMISSION

By: _____
ANSON MORAN
General Manager

FUNDS AVAILABLE:
By: N/A
EDWARD HARRINGTON
Controller

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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
September 28, 1998	§	October 5, 1998
	§	
	§	
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
	§	
	§	
Absent: Supervisors Bierman Kaufman	§	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-1470

OCT 16 1998
Date Approved

Mayor

FILE NO. 98-1474 ORDINANCE NO. 317-98

RO#98024

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF WILLIAM C. HANKSTON, SR., ET AL. AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $110,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Hankston, et al., v. City and County of San Francisco, et al., United States District Court No. C96-2330 by the payment of $110,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRED LAU
Police Chief

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

APPROVED:

Secretary
POLICE COMMISSION

1G-AGF-AAA 38-00-00
385036 05311 $110,000.00

TOM AMMIANO/RULES COMMITTEE/POLICE DEPARTMENT
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
September 28, 1998	October 5, 1998
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
Absent: Supervisors Bierman Kaufman	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-1474

OCT 16 1998
Date Approved

Mayor

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FILE NO. 98-1482
(Government Funding)

ORDINANCE NO. 318-98
RO#98022
SA#82

APPROPRIATING $240,272 OF PUBLIC PROTECTION REVENUE SPECIAL FUND FOR THE PURCHASE OF COMPUTER HARDWARE SOFTWARE AND A FAX MACHINE, FOR THE SHERIFF DEPARTMENT FOR FISCAL YEAR 1998-99.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1998-1999 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund	**Department**	**Program**	
2S-PPF-SHA Public Protection Special Rev. Fund	SHF01 Sheriff Department	AMG Civil Enforcement	
Funding Sources			
Project PSH020	AB709		
600-60125 (060114)	Sheriff's Fees	$240,272	
Funding Uses			
Project PSH020	AB709 - Sheriff Civil Furniture and Equipment Fund		
060-06061 (060114)	Data Processing Equipment		$235,922
060-06098 (060114)	Office Equipment		$4,350
	Total	$240,272	$240,272

BOARD OF SUPERVISORS

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD HARRINGTON
CONTROLLER

BY: _____

excel\appro06SA82

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
September 28, 1998	$	October 5, 1998
	$	
	$	
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	$	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
	$	
	$	
Absent: Supervisors Bierman Kaufman	$	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1482

OCT 16 1998
Date Approved

Mayor

FILE NO. 98-1483 ORDINANCE NO. 319-98

(Government Funding) RO#98023 SA#101

APPROPRIATING $2,887,609 OF REALTY TRUST FUNDS TO REIMBURSE THE SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY FOR FUNDS USED TO PURCHASE THE RINCON PARK PORTION OF THE MARINE TERMINALS CORPORATION PARCEL, AND FOR THE CONSTRUCTION OF THE MID-EMBARCADERO SURFACE ROADWAY, AND FOR STREET IMPROVEMENT PROJECTS FOR THE DEPARTMENT OF PUBLIC WORKS, FOR FISCAL YEAR 1998-99.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1998-1999 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Fund	**Department**	**Program**	
7A-DEP-TAX Agency Fund	RES01 Administration	XXX Non-Project	
Funding Source			
GL219 (710062)	Other Obligation-Agency Fund	$2,887,609	
Funding Uses			
091-0933S (xxxxxxxxxxxx)	Operating Transfer Out to 3C-SIF-LOC-Capital Project Street Improvement Fund		$2,887,609
	Total	$2,887,609	$2,887,609
Fund	**Department**	**Program**	
3C-SIF-LOC Capital Project Street Improvement Bond	DPW-ENPM Public Works-Engineering - Proj. Management	BAW City Capital Project	
Funding Source			
910-930ZZ (xxxxxxxxxxx)	Operating Transfer In from 7A-DEP-TAX, Agency Fund	$2,887,609	

BOARD OF SUPERVISORS

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Funding Uses			
Project			
CENEMB-MD94	Mid-Embarcadero Roadway Project		
060-06700 (DPWEASIF0879)	Bldgs., Structures, & Imprv't. Project-Budget		$749,907
Project			
xxxxxxxxxxxx	Due to Transportation Authority		
060-06700 DPWEASIF0879)	Bldgs., Structures, & Imprv't. Project-Budget		$2,137,702
	Total	$2,887,609	$2,887,609

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: _____

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
September 28, 1998	§	October 5, 1998
	§	
	§	
Ayes: Supervisors Ammiano Brown Katz Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Brown Kaufman Leno Newsom Teng Yee
	§	
	§	
Absent: Supervisors Bierman Kaufman	§	Absent: Supervisors Bierman Katz Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-1483

OCT 16 1998

Date Approved

Mayor

FILE NO. _____ ORDINANCE NO. _____

[Penalties For Veterinarian's Failure to Notify Licensing Authority]

AMENDING ARTICLE I, CHAPTER V, PART II OF THE SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY AMENDING SECTION 41.25 TO PROVIDE FOR PENALTIES FOR VIOLATION OF SECTION 41.18(c) REQUIRING NOTIFICATION TO THE LICENSING AUTHORITY WHEN A DOG HAS BEEN VACCINATED FOR RABIES.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 1 of the San Francisco Health Code is hereby amended by amending Section 41.25, to read as follows:

SEC. 41.25. PENALTIES. (a) Any person violating the provisions of Section 41.21 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $500.

(b) Any person violating the provisions of Section 41.15, 41.18(c) or 41.19 of this Article shall be deemed guilty of an infraction and upon conviction thereof shall be punishable by a fine of not less than $25 nor more than $50.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

Tails

Ordinance

File Number: 981402 **Date Passed:**

Ordinance amending Health Code by amending Section 41.25 to provide for penalties for violation of Section 41.18(c) requiring notification to the licensing authority when a dog has been vaccinated for rabies.

October 5, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 6 - Ammiano, Brown, Kaufman, Leno, Newsom, Teng
Noes: 1 - Yee
Absent: 4 - Bierman, Katz, Medina, Yaki

October 13, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki
Noes: 1 - Yee

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File No. 981402

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 13, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 23 1998
Date Approved

Mayor Willie L. Brown Jr.

FILE NO. 98-1403 ORDINANCE NO. 321-98

[Veterinarians' Responsibilities Regarding Anti-Rabies Vaccinations]

AMENDING ARTICLE I, CHAPTER V, PART II OF THE SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY AMENDING SECTION 41.18, REGARDING VETERINARIANS' RESPONSIBILITIES FOR ANTI-RABIES VACCINATIONS TO REQUIRE USE OF A FORM APPROVED BY THE LICENSING AUTHORITY TO CERTIFY THAT A DOG HAS BEEN VACCINATED, AND NOTIFICATION TO THE LICENSING AUTHORITY WHEN SUCH ANIMAL IS VACCINATED.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 1 of the San Francisco Health Code is hereby amended by amending Section 41.18, to read as follows:

SEC. 41.18. VACCINATION REQUIRED FOR LICENSE. (a) So long as the State of California has declared the City and County of San Francisco to be a rabies-endemic county, it shall be a requirement that every person owning, keeping or controlling a dog over the age of four months within the City and County of San Francisco shall at all times have procured current vaccination of the dog by a licensed veterinarian with an approved canine antirabies vaccine.

(b) Upon proof of a current antirabies vaccination, a license may be issued pursuant to this Article for any period not to exceed 36 months, or three years. However, the license period shall in no event exceed the remaining period of validity of the animal's current antirabies vaccination.

///

///

///

///

(c) Every veterinarian who vaccinates or causes or directs to be vaccinated in the city any dog with anti-rabies vaccine shall:

(1) Use a form approved by the licensing authority to certify that such animal has been vaccinated; and

(2) Notify the licensing authority when such animal is vaccinated within 30 days.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: JOHN I. KENNEDY
Deputy City Attorney

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DEC 01 1998
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PUBLIC LIBRARY

Ordinance

File Number: 981403 **Date Passed:**

Ordinance amending Health Code by amending Section 41.18, regarding Veterinarians' responsibilities for anti-rabies vaccinations to require use of a form approved by the Licensing Authority to certify that a dog has been vaccinated, and notification to the Department of Animal Care and Control when such animal is vaccinated.

October 5, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 6 - Ammiano, Brown, Kaufman, Leno, Newsom, Teng
Noes: 1 - Yee
Absent: 4 - Bierman, Katz, Medina, Yaki

October 13, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki
Noes: 1 - Yee

File No. 981403

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 13, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 23 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981403 continued...

FILE NO. 98-1442 ORDINANCE NO. 322-98

[Price Adjustment for Local Sales and BusinessTax Revenues]

AMENDING PART I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 21C, TO REQUIRE ADJUSTMENT OF PRICED OFFERS FOR THE PURPOSE OF EVALUATING PRICE CONTRACTS FOR THE PURCHASE OF COMMODITIES TO REFLECT DIRECT SALES TAX AND GROSS RECEIPTS TAX REVENUES PRODUCED BY THE PROCUREMENT FOR THE CITY, THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT AND THE SAN FRANCISCO TRANSPORTATION AUTHORITY.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part 1 of the San Francisco Administrative Code is hereby amended by adding Chapter 21C, to read as follows:

CHAPTER 21C

PRICE ADJUSTMENTS IN THE AWARD OF CITY PROCUREMENT CONTRACTS TO REFLECT DIRECT SALES TAX AND BUSINESS TAX REVENUES FOR THE CITY, THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, AND THE SAN FRANCISCO TRANSPORTATION AUTHORITY

SEC. 21C.1 DEFINITIONS.

(a) "City" means the City and County of San Francisco.

(b) "Contract" means an agreement for the purchase of commodities, including an agreement for services which includes the purchase of commodities, at the expense of the City, with an estimated value of commodities in excess of $1,000.00, where any part of the transaction would be subject to sales tax . "Contract" shall not include purchases paid for with City Retirement or Health Services System trust funds.

///

(c) "Offer" means a bid or proposal submitted to the City in response to a solicitation.

(d) "Offeror" means a person or entity that submits an offer to the City to provide commodities or services.

(e) "Solicitation" means a written invitation for bids, request for quotations or request for proposals issued by the City for the purpose of soliciting bids, quotations or proposals to sell to the City commodities, alone or in conjunction with services, where the proposed purchase of commodities would be subject to sales tax.

SEC. 21C.2 POWERS AND DUTIES OF AUTHORITIES AWARDING CONTRACTS.

(a) In determining the lowest responsible bidder or otherwise taking into account the price contained in an offer subject to this chapter, the contract awarding authority shall reduce the price contained in the offer according to the following criteria. The price contained in an offer shall be reduced in an amount equal to the sum of (1) the direct sales tax revenue, if any, that would be generated by the sale to the City that will be allocated to the City and County of San Francisco, the San Francisco Unified School District, the San Francisco Community College District, or the San Francisco Transportation Authority if that offer was accepted; and (2) the incremental gross receipts tax revenue that would be generated by the transaction if the City has jurisdiction to levy the City's Payroll Expense or Gross Receipts Tax on that offeror as a result of the offeror's business related to the commodity sold to the City and as if the offeror were required to pay the gross receipts tax.

(b) If a solicitation subject to this chapter involves the purchase of commodities of an indefinite quantity, for the purpose of making the price adjustment required by paragraph (a) the contract awarding authority shall select a fixed quantity of the identified commodity based on the minimum amount of the commodity the contract awarding authority estimates

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DEC 17 1998

will be purchased over the term of the contract, and shall evaluate all offers based on the same fixed quantity for the purpose of comparing prices offered.

(c) The bid adjustment required by paragraph (a) shall be in addition to any other discounts, preferences or adjustments required by City law and shall not be made where:

(1) the adjustment would conflict with conditions contained in federal or state grants or violate preemptive federal or state law, or

(2) the City is entering into a cooperative procurement with one or more other jurisdictions.

SEC. 21C.3 CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE. In undertaking the adoption and enforcement of this chapter, this City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 21C.4. SEVERABILITY.

This chapter shall be construed so as not to conflict with applicable federal or state laws, rules or regulations. Nothing in this chapter shall authorize any City agency to impose any duties or obligations in conflict with limitations on municipal authority established by federal law at the time such agency action is taken.

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If any section, paragraph, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. The Board of Supervisors declares that it would have passed each section, paragraph, sentence, clause or phrase of this chapter irrespective of the fact that any portion of this chapter could be declared unconstitutional, invalid or ineffective.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
DAVID A. GREENBURG
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981442 **Date Passed:**

Ordinance amending Administrative Code by adding Chapter 21C, Sections 21C.1 through 21C.4, to require adjustment of priced offers for the purpose of evaluating price contracts for the purchase of commodities to reflect direct sales tax and gross receipts tax revenues produced by the procurement for the City, the San Francisco Unified School District, the San Francisco Community College District and the San Francisco Transportation Authority.

October 13, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

October 19, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

File No. 981442

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 19, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981442 continued...

DEC 1 2 2008

ORDINANCE NO.

[County Clerk and Assessor-Recorder Fees]

AMENDING CHAPTER 8 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY REPEALING SECTION 8.33, SETTING CERTAIN FEES FOR THE OFFICE OF THE COUNTY CLERK-RECORDER, AND BY ADDING SECTION 8.33.1, SETTING CERTAIN FEES FOR THE OFFICE OF THE COUNTY CLERK, AND SECTION 8.33.2, SETTING CERTAIN FEES FOR THE OFFICE OF THE COUNTY ASSESSOR-RECORDER; RATIFYING THE IMPOSITION OF CERTAIN FEES.

Note: Additions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 8 of the San Francisco Administrative Code is hereby amended by repealing Section 8.33.

((SEC. 8.33 COUNTY CLERK-RECORDER'S FEES. Pursuant to Government Code Sections 54985 through 54987 and 27366, the County Clerk-Recorder is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting such documents or services shall pay the following fees:

Marriage licenses (regular) $69.00

Filing confidential marriage certificates 74.00

Marriage ceremonies in City Hall 30.00

Copies of records or papers on file (per page, retrieval by Clerk-Recorder staff, pages 1 through 3) 3.00

(Supervisor Kaufman)

(each additional page) 0.50

Searching records or files (for each year searched) ..4.00

Filing fictitious business name statement 35.00

Additional name filings 9.00

Withdrawals and abandonments 24.00

Filing, revoking or cancelling notary public bond ...28.00

Filing power of attorney (surety insurer) 19.00

Additional names 9.00

Issuance of authority to marry and oath 50.00

Authentication of public official 10.00

Conforming copies surcharge 1.00

Microfilm of daily film of recordings (per roll) 25.00

Microfiche (per frame) 2.00

Duplicates of recorded maps (first page) 5.00

(each additional page) 3.00

Such fees received by the County Clerk-Recorder shall be deposited with the City and County Treasurer. Portions of the fees from marriage licenses and confidential marriage certificates shall be disbursed in accordance with Government Code Sections 26840, 26840.1, 26840.3, 26840.7, and 26840.8, and San Francisco Administrative Code Section 10.117-21.))

Section 2. Chapter 8 of the San Francisco Administrative Code is hereby amended by adding Sections 8.33.1 and 8.33.2, to read as follows:

SEC. 8.33.1 COUNTY CLERK'S FEES. Pursuant to Government Code Sections 54985 through 54987 and 26831 and Business and Professions Code Section 22352, the County Clerk is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall pay the following fees:

Public marriage license.....$69.00

Confidential marriage license.....74.00

Duplicate copy of marriage license.....10.00

Performance of marriage/domestic partnership ceremony in City Hall.....30.00

Issuance of authority to marry and oath.....50.00

Filing fictitious business name statement.....35.00

Additional name or registrant on same statement....9.00

Withdrawing partner or abandoning fictitious business statement.....24.00

Filing notary public bond.....28.00

Filing, revoking, cancelling or withdrawing power of attorney (surety insurer).....19.00

Additional name.....9.00

Process server identification card.....10.00

Processing of fingerprint cards (not including State Department of Justice fee).....7.00

Authentication of public official/notary public.....10.00

Copies of records on file (per page, pages 1 through 3).....3.00

(each additional page).....0.10

Certifying/endorsing documents or copies of documents...1.00

Fictitious business name index records

Records for one day.....9.50

Records for one week.....9.50

Records for two weeks.....20.00

Records for one month.....20.00

Diskette.....1.00

New client fee.....15.00

Delivery handling fee.....10.00

Such fees received by the County Clerk shall be deposited with the City and County Treasurer. Portions of the fees for marriage licenses shall be disbursed in accordance with Government Code Sections 26840, 26840.1, 26840.3, 26840.7, and 26840.8 and San Francisco Administrative Code Section 10.117-21.

SEC. 8.33.2 COUNTY ASSESSOR-RECORDER'S FEES. Pursuant to Government Code Sections 54985 through 54987 and 27366, the County Assessor Recorder is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall pay the following fees:

Duplicates of Recorded maps (first page).....$5.00

(each additional page).....3.00

Copies of records on file (per page, pages 1

through 3).....3.00

(each additional page).....0.50

Certifying/conforming copies of documents.....1.00

Microfilm of daily film of recordings (per roll).....25.00

Microfiche (per frame).....2.00

Section 3. The Board of Supervisors hereby ratifies and approves the $10 fee for issuance of identification cards to process servers charged by the County Clerk between January 1, 1998 and the effective date of this ordinance.

Section 4. The Board of Supervisors hereby ratifies and approves the fee for providing fictitious business name index records charged by the County Clerk between January 1, 1993 and the effective date of this ordinance. The fee from January 1, 1993 to September 30, 1998 was $1 for the diskette, $7.50 for records of one day, $25.00 for records of one week, $35.00 for records of two weeks, and $50.00 for records of one month. The fee from October 1, 1998 to the

effective date of this ordinance is $1 for the diskette, $9.50 for records of one day or one week, $20.00 for records of two weeks or one month, $10.00 for handling of delivery, and $15.00 for processing a first-time order.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Mario Kashou

MARIO KASHOU
Deputy City Attorney

Tails

Ordinance

File Number: 981557 **Date Passed:**

Ordinance amending Administrative Code by repealing Section 8.33 which sets certain fees for the office of the County Clerk-Recorder and by adding Sections 8.33.1 and 8.33.2, setting certain fees for the Office of the County Clerk and setting certain fees for the Office of the County Assessor-Recorder, ratifying the imposition of certain fees

October 13, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

October 19, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

File No. 981557

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 19, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981557 continued...

[General Plan Amendments]

RESCINDING THE MISSION BAY PLAN AND APPROVING AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

A. Pursuant to City Charter Section 4.105, any amendments to the General Plan shall first be considered by the San Francisco Planning Commission ("Planning Commission") and thereafter recommended for approval or rejection by the Board of Supervisors.

B. The San Francisco Redevelopment Agency ("Agency") has prepared two new Redevelopment Plans for the Mission Bay North and Mission Bay South Redevelopment Project Areas ("Project Areas") which include the properties as shown on the Mission Bay Land Use Map in Board of Supervisors File No. 98-1428.

C. Adoption of the Mission Bay North and Mission Bay South Redevelopment Plans requires amendment to the General Plan for the City and County of San Francisco, as set forth in Attachment A hereto.

D. On December 12, 1996 by Motion No. 14255, the Planning Commission adopted findings in connection with the proposed Preliminary Plan for the Mission Bay North Redevelopment Project Area which also included certain proposed amendments to the General Plan to ensure consistency of the Preliminary Plan with the General Plan.

E. On October 23, 1997 by Motion No. 14483, the Planning Commission adopted findings in connection with the proposed Preliminary Plan for the Mission Bay South

Redevelopment Project Area which also included certain proposed amendments to the General Plan to ensure consistency of the Preliminary Plan with the General Plan.

F. On August 20, 1998 by Resolution No. 14677, the Planning Commission adopted a resolution of intent to initiate amendments to the General Plan, which Resolution described the proposed amendments to the General Plan.

G. On September 17, 1998 by Motion No. 14696, the Planning Commission certified the Final Subsequent Environmental Impact Report as adequate and complete.

H. On September 17, 1998, the Planning Commission conducted a duly noticed public hearing on the General Plan Amendments and adopted the General Plan Amendments by Resolution No. 14698, and recommended them for approval to the Board of Supervisors. The Planning Commission recommended rescission of the Mission Bay Plan and adopted its contents as Planning Department and Planning Commission Guidelines for development of the parcels which are not a part of the Project Areas, subject to this Board's affirmance of such recission.

I. In Motion No. M98-132 this Board of Supervisors affirmed the Planning Commission's certification of the Final Subsequent Environmental Impact Report as adequate and complete.

J. In Resolution No. 854-98, this Board of Supervisors adopted findings in connection with its consideration of these General Plan Amendments under the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, and adopted a mitigation monitoring program, which findings and program are hereby incorporated by reference as if fully set forth herein.

K. This Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the following reasons:

1. The Project Areas which are the subject of the Mission Bay North and Mission Bay South Redevelopment Plans, are blighted areas, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law.

2. The Redevelopment Plans will redevelop the Project Areas in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare.

3. The adoption and carrying out of the Redevelopment Plans is economically sound and feasible.

4. The Redevelopment Plans and the Interagency Cooperation Agreements, when effective, will be consistent with the General Plan of the City and County of San Francisco, as amended, including, but not limited to, the Residence Element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other applicable requirements of law, and is consistent with the eight Priority Policies in City Planning Code Section 101.1 for the reasons set forth in City Planning Commission Resolution No. 14699.

5. The carrying out of the Redevelopment Plans will promote the public peace, health, safety and welfare of the community and effectuate the purposes and policies of the Community Redevelopment Law.

6. The Project Areas include lands, buildings and improvements which are not individually detrimental to the public health, safety or welfare but which are necessary for the effective redevelopment of the Project Areas; any area included in the Project Areas is necessary for effective redevelopment and is not included for the purpose of obtaining an allocation of tax increment revenues from the Project Areas pursuant to Section 33670 of the California Health and Safety Code without other substantial justification for its inclusion.

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7. The elimination of blight and the redevelopment of the Project Areas could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Redevelopment Agency.

8. The Agency's and the City's expenditure of funds in the Low and Moderate Income Housing Fund created under Board of Supervisors' Resolution No. 498-89 within the territorial limits of the City, whether within or outside the territorial limits of the Project Areas, will be of benefit to the Project Areas; provided, however, any such expenditure shall be subject to the terms and conditions of the Tax Allocation Agreements for the Project Areas, copies of which are on file with the Board of Supervisors in File Nos. 98-1432 and 98-1433.

Section 2. Priority Policies.

The Board of Supervisors finds that this ordinance is in conformity with the Priority Policies of Section 101.1(b) of the Planning Code and with the General Plan as proposed to be amended herein, and hereby adopts the findings of Planning Commission Resolution No.14699, and incorporates said findings by this reference thereto.

Section 3. Rescission of Mission Bay Plan.

The Mission Bay Plan shall be deleted in its entirety.

Section 4. Amendments to the General Plan.

The Board of Supervisors hereby approves amendments to the Residence Element, the Commerce and Industry Element, the Recreation and Open Space Element, the Transportation Element, the Urban Design Element, the Arts Element, the Central Waterfront Plan, the Mission Bay Plan and the Land Use Index of the General Plan of the City and

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County of San Francisco as set forth in Attachment A, attached hereto and incorporated herein by this reference

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Kate Stacy

Kate Stacy
Deputy City Attorney

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981428 **Date Passed:**

Ordinance rescinding the Mission Bay Plan and approving amendments to the San Francisco General Plan.

October 19, 1998 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981428

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

FILE NO. 98-1429 ORDINANCE NO. 325-98

[Planning Code Amendments]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (PLANNING CODE) BY AMENDING SECTION 901, AND FIGURES 1 AND 3 OF ARTICLE 9, AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter II, Article 9 of the San Francisco Municipal Code (Planning Code) is hereby amended by amending Section 901 thereof to read as follows:

SEC. 901. SCOPE AND PURPOSE OF ARTICLE 9. (a) Applicability of Article 9 Provisions and Provisions of Other Parts of the Planning Code. This Article is adopted specifically for Mission Bay Use Districts ((as shown on the Zoning Map of the City and County of San Francisco)). Notwithstanding any other provision of this Article 9, the term "Mission Bay Use Districts" is defined for purposes of this Article 9 to include only the non-shaded areas indicated on Figure 1. The shaded areas on Figure 1 are now governed by the Mission Bay North and Mission Bay South Redevelopment Plans and are not subject to any provisions of this Article 9. The provisions set forth or referenced in this Article 9 shall apply to any use, property, structure, or development, both public and private, which is located in a Mission Bay Use District, unless otherwise provided for within this Article. Other provisions of this Code referenced in this Article are applicable in Mission Bay Use Districts shall apply only to the extent indicated in the reference. Other provisions of this Code which by their general terms would apply to Mission Bay Use Districts shall apply only to the extent expressly provided in this Article. The "Mission Bay Plan," formerly a part of the General Plan for the

City and County of San Francisco, has been rescinded and adopted, as to the non-shaded areas on Figure 1, by the Planning Commission as the "Mission Bay Guidelines." Any reference in this Article 9 to the Mission Bay Plan shall be deemed to refer to the Mission Bay Guidelines adopted by the Planning Commission.

(b) **Intent and Purpose of Article 9**. This Article is intended to provide a comprehensive zoning system for Mission Bay Use Districts which is consistent with the objectives and policies set forth in the Mission Bay Guidelines ((Plan, a part of the San Francisco Master Plan)). More specifically, the purposes of this Article, in addition to the general purposes stated in Section 101, are to provide in one article a complete listing of or reference to all of the Planning Code zoning categories, definitions, control provisions and review procedures which are applicable to the ((properties or uses in)) Mission Bay Use Districts.

(c) **Applicability of Mission Bay Guidelines ((Plan))**. The provisions of this Article are supplemented and further defined by objectives and policies, the associated text, and design and use guidelines contained in the Mission Bay Guidelines ((Plan, a part of the Master Plan)).

(d) **Consistency with the General ((Master)) Plan and with Priority Policies**. The provisions of Section 101.1 regarding consistency with the General ((Master)) Plan and with Priority Policies apply in the Mission Bay Use Districts.

Section 2. Amendment of Figure 1 of Part II, Chapter II, Article 9 of the San Francisco Municipal Code (Planning Code).

Figure 1 of Part II, Chapter II, Article 9 of the San Francisco Municipal Code (Planning Code) is hereby amended by amending Figure 1 thereof to shade all areas except for the following parcels: Assessor's Block 3796/Lot 1; Assessor's Block 3796/Lot 2; Assessor's Block 3797/Lot 1; and, a portion east of Third Street and north of the intersection of Third and

Fourth Streets of Assessor's Block 3880 (Seawall Lot 337). The legend on Figure 1 shall be deleted and replaced with the following note: The Mission Bay Use Districts consist only of the non-shaded portions of Figure 1. The balance of the area is now governed by the Mission Bay North and Mission Bay South Redevelopment Plans. The amended Figure 1 is attached hereto.

Section 3. Amendment of Figure 3 of Part II, Chapter II, Article 9 of the San Francisco Municipal Code (Planning Code).

Figure 3 of Part II, Chapter II, Article 9 of the San Francisco Municipal Code (Planning Code) is hereby amended by amending Figure 1 thereof to shade all areas except for the following parcels: Assessor's Block 3796/Lot 1; Assessor's Block 3796/Lot 2; Assessor's Block 3797/Lot 1; and, a portion east of Third Street and north of the intersection of Third and Fourth Streets of Assessor's Block 3880 (Seawall Lot 337). The legend on Figure 1 shall be deleted and replaced with the following note: The Mission Bay Height Districts consist only of the non-shaded portions of Figure 1. The balance of the area is now governed by the Mission Bay North and Mission Bay South Redevelopment Plans. The amended Figure 3 is attached hereto.

Section 4. Findings.

Pursuant to Planning Code Section 302, this Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Ordinance No. 327-98 and Ordinance No. 335-98 approving the Mission Bay North and Mission Bay South Redevelopment Plans, and incorporates such reasons by this reference thereto.

The Board of Supervisors finds that this ordinance is in conformity with the Priority Policies of Section 101.1(b) of the Planning Code and, when effective, with the General Plan as proposed to be amended and hereby adopts the findings of the Planning Commission, as

set forth in Planning Commission Resolution No. 14699, and incorporates said findings by this reference thereto.

On September 17, 1998 by Motion No. 14696, the Planning Commission certified the Final Subsequent Environmental Impact Report as adequate and complete.

In Resolution No. 14698, the Planning Commission recommended these amendments to the Planning Code.

In Motion No. M98-132, this Board of Supervisors affirmed the Planning Commission's certification of the Final Subsequent Environmental Impact Report as adequate and complete.

In Resolution No. 854-98, this Board of Supervisors adopted findings in connection with its consideration of these Planning Code Amendments under the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, and adopted a mitigation monitoring program, which findings and program are hereby incorporated by reference as if fully set forth herein.

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

By: Kate H. Stacy
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981429 **Date Passed:**

Ordinance amending Planning Code by amending Section 901, and figures 1 and 3 of Article 9, and adopting findings pursuant to Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981429

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981429 continued...

FILE NO. 98-1430 ORDINANCE NO. 326-98

[Zoning Map Amendment]

AMENDING THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO FOR PROPERTY LOCATED IN MISSION BAY AREA, GENERALLY BOUNDED BY TOWNSEND STREET, SEVENTH STREET AND INTERSTATE 280, MARIPOSA STREET, TERRY A. FRANCOIS BOULEVARD AND THIRD STREET, TO DELETE THE HEIGHT AND USE DISTRICT CLASSIFICATIONS TO A CROSS-REFERENCE TO THE MISSION BAY NORTH AND MISSION BAY SOUTH REDEVELOPMENT PLANS AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Sections 235 and 302(c) of the Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following deletions in use and height classifications, duly approved by resolution of the Planning Commission, are hereby adopted as amendments to the Zoning Map of the City and County of San Francisco, on file with the Clerk of the Board of Supervisors under File No. 98-1430.

Section 2. Amendment of Sheet 8 of the Zoning Map.

All Use Districts shall be deleted on Sheet 8 for the following property:

Mission Bay North: Assessor's Blocks 3795/Lots 2, 3 & 4, 3796/Lots 4 & 5, 3797/Lot 2, 3798/Lots 1 & 2, 3804/Lots 2, 4 & 5, 3805/Lot 1, 3806/Lots 6, 7, 9 & 10, as more particularly mapped in Exhibit A, attached hereto and incorporated herein by this reference thereto.

Mission Bay South: Assessor's Blocks 3809/Lots 2, 4, 6 & 7, 3810/Lots 6 & 7, 3813/Lot 1, 3819/Lots 2 & 3, 3822/Lots 2 & 3, 3832/Lots 2 & 3, 3835/Lots 2 & 3, 3837/Lots 1, 2, 4, 6 & 7, 3838/Lots 1, 2 & 3, 3839/Lots 1 & 2, 3840/Lots 1, 2 & 3, 3841/Lots 1, 2 & 3, 3849/Lots 1 & 2, 3850/Lots 1, 1A, 1B & 2, 3851/Lot 1, 3852/Lots 1 & 2, 3853/Lot 1, and a portion east of Fourth Street and south of the intersection of Third and Fourth Streets of Block 3880, 3892/Lot 1, 3940/Lots 1 & 2, a portion bounded generally by Illinois and Mariposa Streets and Terry Francois Boulevard of Block 3941/Lot 1, 3942/Lots 2, 3 & 4, 3943/Lots 1, 3,

6 & 7, 3944/Lot 4, 3948/Lot 1, and 3992/Lot 3, as more particularly mapped in Exhibit A, attached hereto and incorporated herein by this reference thereto.

The following annotation is hereby approved for the area including Assessor's Blocks 3795/Lots 2, 3 & 4, 3796/Lots 4 & 5, 3797/Lot 2, 3798/Lots 1 & 2, 3804/Lots 2, 4 & 5, 3805/Lot 1, 3806/Lots 6, 7, 9 & 10, on Sheet 8 of the Zoning Map: See Mission Bay North Redevelopment Plan regarding areas not designated on this Map.

The following annotation is hereby approved for the area, including Assessor's Blocks 3809/Lots 2, 4, 6 & 7, 3810/Lots 6 & 7, 3813/Lot 1, 3819/Lots 2 & 3, 3822/Lots 2 & 3, 3832/Lots 2 & 3, 3835/Lots 2 & 3, 3837/Lots 1, 2, 4, 6 & 7, 3838/Lots 1, 2 & 3, 3839/Lots 1 & 2, 3840/Lots 1, 2 & 3, 3841/Lots 1, 2 & 3, 3849/Lots 1 & 2, 3850/Lots 1, 1A, 1B & 2, 3851/Lot 1, 3852/Lots 1 & 2, 3853/Lot 1, and a portion east of Fourth Street and south of the intersection of Third and Fourth Streets of Block 3880, 3892/Lot 1, 3940/Lots 1 & 2, a portion bounded generally by Illinois and Mariposa Streets and Terry Francois Boulevard of Block 3941/Lot 1, 3942/Lots 2, 3 & 4, 3943/Lots 1, 3, 6 & 7, 3944/Lot 4, 3948/Lot 1, and 3992/Lot 3, on Sheet 8 of the Zoning Map: See Mission Bay South Redevelopment Plan regarding areas not designated on this Map.

Section 3. Amendment of Sheet 8H of the Zoning Map.

All Height and Bulk Districts shall be deleted on Sheet 8H of the Zoning Map for the following property:

Mission Bay North: Assessor's Blocks 3795/Lots 2, 3 & 4, 3796/Lots 4 & 5, 3797/Lot 2, 3798/Lots 1 & 2, 3804/Lots 2, 4 & 5, 3805/Lot 1, 3806/Lots 6, 7, 9 & 10, as more particularly mapped in Exhibit A, attached hereto and incorporated herein by this reference thereto.

Mission Bay South: Assessor's Blocks 3809/Lots 2, 4, 6 & 7, 3810/Lots 6 & 7, 3813/Lot 1, 3819/Lots 2 & 3, 3822/Lots 2 & 3, 3832/Lots 2 & 3, 3835/Lots 2 & 3, 3837/Lots 1, 2, 4, 6 & 7, 3838/Lots 1, 2 & 3, 3839/Lots 1 & 2, 3840/Lots 1, 2 & 3, 3841/Lots 1, 2 & 3, 3849/Lots 1 & 2, 3850/Lots 1, 1A, 1B & 2, 3851/Lot 1, 3852/Lots 1 & 2, 3853/Lot 1, and a

portion east of Fourth Street and south of the intersection of Third and Fourth Streets of Block 3880, 3892/Lot 1, 3940/Lots 1 & 2, a portion bounded generally by Illinois and Mariposa Streets and Terry Francois Boulevard of Block 3941/Lot 1, 3942/Lots 2, 3 & 4, 3943/Lots 1, 3, 6 & 7, 3944/Lot 4, 3948/Lot 1, and 3992/Lot 3, as more particularly mapped in Exhibit A, attached hereto and incorporated herein by this reference thereto.

The following Annotation is hereby approved for the area including Assessor's Blocks 3795/Lots 2,3 & 4, 3796/Lots 4 & 5, 3797/Lot 2, 3798/Lots 1 & 2, 3804/Lots 2, 4 & 5, 3805/Lot 1, 3806/Lots 6, 7, 9 & 10, on Sheet 8H of the Zoning Map: See Mission Bay North Redevelopment Plan regarding areas not designated on this Map.

The following annotation is hereby approved for the area including Assessor's Blocks 3809/Lots 2, 4, 6 & 7, 3810/Lots 6 & 7, 3813/Lot 1, 3819/Lots 2 & 3, 3822/Lots 2 & 3, 3832/Lots 2 & 3, 3835/Lots 2 & 3, 3837/Lots 1, 2, 4, 6 & 7, 3838/Lots 1, 2 & 3, 3839/Lots 1 & 2, 3840/Lots 1, 2 & 3, 3841/Lots 1, 2 & 3, 3849/Lots 1 & 2, 3850/Lots 1, 1A, 1B & 2, 3851/Lot 1, 3852/Lots 1 & 2, 3853/Lot 1, and a portion east of Fourth Street and south of the intersection of Third and Fourth Streets of Block 3880, 3892/Lot 1, 3940/Lots 1 & 2, a portion bounded generally by Illinois and Mariposa Streets and Terry Francois Boulevard of Block 3941/Lot 1, 3942/Lots 2, 3 & 4, 3943/Lots 1, 3, 6 & 7, 3944/Lot 4, 3948/Lot 1, and 3992/Lot 3, on Sheet 8H of the Zoning Map: See Mission Bay South Redevelopment Plan regarding areas not designated on this Map.

Section 4. Findings.

Pursuant to Planning Code Section 302, this Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Ordinance No. 327-98 and Ordinance No. 335-98 approving the Mission Bay North and Mission Bay South Redevelopment Plans, and incorporates such reasons by this reference thereto.

Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this ordinance is in conformity with the Priority Policies of Section 101.1(b) of the Planning Code

and, when effective, with the General Plan as proposed to be amended and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 14699, and incorporates said findings by this reference thereto.

On September 17, 1998 by Motion No. 14696, the Planning Commission certified the Final Subsequent Environmental Impact Report as adequate and complete.

In Resolution No. 14698, the Planning Commission recommended these amendments to the Zoning Map.

In Motion No. M98-132, this Board of Supervisors affirmed the Planning Commission's certification of the Final Subsequent Environmental Impact Report as adequate and complete.

In Resolution No. 854-98, this Board of Supervisors adopted findings in connection with its consideration of these Zoning Map Amendments under the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, and adopted a mitigation monitoring program, which findings and program are hereby incorporated by reference as if fully set forth herein.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Kate H. Stacy
Deputy City Attorney

RECOMMENDED:
PLANNING COMMISSION

By: _____
Gerald Green
Director of Planning

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981430 **Date Passed:**

Ordinance amending zoning map of the City and County of San Francisco for property located in Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, to delete the height and use district classifications to a cross-reference to the Mission Bay North and Mission Bay South Redevelopment Plans and adopting findings pursuant to Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981430

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981430 continued...

FILE NO. 98-1440 ORDINANCE NO. 327-98

[Mission Bay North Redevelopment Plan]

APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE MISSION BAY NORTH PLAN AREA, WHICH IS GENERALLY BOUNDED BY THE NORTH EMBANKMENT OF THE CHINA BASIN CHANNEL AND TOWNSEND, THIRD AND SEVENTH STREETS AND CONTAINS APPROXIMATELY 65 ACRES OF LAND; APPROVING AND AUTHORIZING AN INTERAGENCY COOPERATION AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, IN FURTHERANCE OF THE ADOPTION AND IMPLEMENTATION OF THE REDEVELOPMENT PLAN; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT THE PLAN AND RELATED COOPERATION AGREEMENT ARE CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1; AND ADOPTING OTHER FINDINGS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares that:

A. The Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency") has proposed the adoption of a Redevelopment Plan for the Mission Bay North Redevelopment Project, which is generally bounded by the north embankment of the China Basin Channel and Townsend, Third and Seventh Streets and contains approximately 65 acres of land, as more particularly described in the Redevelopment Plan referred to in paragraph B below (the "North Plan Area").

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B. The Redevelopment Agency has transmitted to this Board of Supervisors certified copies of its Resolution No. 185-98, adopted following a duly noticed public hearing held on September 17, 1998, attaching its report to the Board of Supervisors and recommending the adoption of the Redevelopment Plan for the Mission Bay North Redevelopment Project (the "Redevelopment Plan"), a copy of which report and Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File No. 981440.

C. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community Redevelopment Law of California, and in order to promote development in accordance with objectives and purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the City intends to undertake and complete proceedings and actions necessary to be carried out by the City under the provisions of the Redevelopment Plan and provide for the expenditure of monies by the community in carrying out the Redevelopment Plan, and, specifically, the City wishes to enter into an Interagency Cooperation Agreement with the Redevelopment Agency, in the form on file with the Clerk of the Board in File No. 981440 (the "Interagency Cooperation Agreement"), to provide for cooperation between the City and the Redevelopment Agency in administering the process for control and approval of subdivisions, and all other applicable land use, development, construction, improvement, infrastructure, occupancy and use requirements and in establishing the policies and procedures relating to such approvals. Catellus Development Corporation is a third party beneficiary of the Interagency Cooperation Agreement.

D. The Port Commission, by Resolution No. 98-87, adopted on September 22, 1998, endorsed the Redevelopment Plan and recommended approval of the Redevelopment by the Board of Supervisors, to the extent the Redevelopment Plan affects property under the jurisdiction of the Port.

E. The City Planning Commission has reviewed the proposed Redevelopment Plan and has transmitted to this Board of Supervisors certified copies of its Resolution No. 14699, adopted on September 17, 1998, in which the Planning Commission finds that the proposed Redevelopment Plan and the Interagency Cooperation Agreement, when effective, will be consistent with the General Plan of the City and County of San Francisco, as amended, and consistent with the eight Priority Policies of City Planning Code Section 101.1, and recommends the adoption of the Redevelopment Plan and the Interagency Cooperation Agreement to this Board of Supervisors.

F. On September 3, 1998, the Planning Department and Redevelopment Agency published a Final Subsequent Environmental Impact Report ("Final SEIR") for the development project contemplated in the North Plan Area. Implementation of the development project includes the adoption of the Redevelopment Plan and approval of the Interagency Cooperation Agreement. On September 17, 1998, the Planning Commission and the Redevelopment Agency evaluated and certified the Final SEIR jointly, by Planning Commission ~~Resolution~~ Motion No. 14696 and Redevelopment Agency Commission Resolution No. 182-98, respectively, which certification was affirmed by the Board of Supervisors by Motion No. M98-132.

G. This Board of Supervisors adopted Resolution No. 854-98 on October 19, 1998, making findings pursuant to the California Environmental Quality Act and adopting a mitigation monitoring program. This Board of Supervisors hereby adopts and incorporates the environmental findings under the California Environment Quality Act contained in such Resolution by reference as though such findings were fully set forth in this Ordinance.

H. On October 19, 1998, this Board of Supervisors held a public hearing on the Redevelopment Plan, which hearing was closed and notice of which hearing

was published in accordance with Section 33349 of the California Health and Safety Code and Section 6063 of the California Government Code, in the San Francisco Independent, a newspaper of general circulation, printed, published and distributed in the City and County of San Francisco, and at such hearing this Board considered the report and recommendations of the Redevelopment Agency and the Planning Commission, the Final SEIR, and all evidence and testimony for and against the proposed Redevelopment Plan, and hereby adopts written findings to the extent required by the Community Redevelopment Law as set forth in this Ordinance.

I. Due to the great need for low and moderate income housing at affordable cost in all areas of the City as shown in the "Analysis of the OAHPP Formula prepared by the Department of City Planning in November 1994" (as identified in Section 313.2 of the Planning Code) and due to the lack of available sites for such housing in redevelopment project areas, the Agency's and the City's use of funds in the Low and Moderate Income Housing Fund created under Board of Supervisors' Resolution No. 489-89 both inside and outside of the North Plan Area will be of benefit to the North Plan Area.

Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of Supervisors with respect to the North Plan Area are to adopt a Redevelopment Plan for the North Plan Area in accordance with the Community Redevelopment Law of California (Health & Safety Code Section 33000 et seq.) and to achieve the objectives for redevelopment of the North Plan Area specified in the Redevelopment Plan.

Section 3. By this reference, the Redevelopment Plan, a copy of which is on file with the Clerk of the Board of Supervisors under File No. 981440, is incorporated in and made a part of this Ordinance with the same force and effect as though set forth fully herein.

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Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds, determines and declares that:

A. The North Plan Area, which is the subject of the Redevelopment Plan, is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law.

B. The Redevelopment Plan will redevelop the North Plan Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare.

C. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible.

D. The Redevelopment Plan and the Interagency Cooperation Agreement contemplated thereby, when effective, will be consistent with the General Plan of the City and County of San Francisco, as amended, including, but not limited to, the housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other applicable requirements of law, and is consistent with the eight Priority Policies in City Planning Code Section 101.1 for the reasons set forth in City Planning Commission Resolution No. 14699, which findings are incorporated herein by reference as though fully set forth herein.

E. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the community and effectuate the purposes and policies of the Community Redevelopment Law.

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F. The condemnation of real property, to the extent provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be so acquired as provided by law.

G. There are no persons living in housing facilities in the North Plan Area who will be displaced by the Redevelopment Plan. Accordingly, no residential relocation plan is required.

H. There are no non-contiguous areas in the North Plan Area.

I. The North Plan Area includes lands, buildings and improvements which are not individually detrimental to the public health, safety or welfare but which are necessary for the effective redevelopment of the North Plan Area; any area included in the North Plan Area is necessary for effective redevelopment and is not included for the purpose of obtaining an allocation of tax increment revenues from the North Plan Area pursuant Section 33670 of the California Health and Safety Code without other substantial justification for its inclusion.

J. The elimination of blight and the redevelopment of the North Plan Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Redevelopment Agency.

K. The North Plan Area is predominantly urbanized, as defined by California Health and Safety Code Section 33320.1(b).

L. The time limitation and the limitation on the number of dollars to be allocated to the Redevelopment Agency that are contained in the Redevelopment Plan are reasonably related to the proposed projects to be implemented in the North Plan Area and to the ability of the Redevelopment Agency to eliminate blight within the North Plan Area.

M. The Agency's and the City's expenditure of funds in the Low and Moderate Income Housing Fund created under Board of Supervisors' Resolution No. 498-89 within the

territorial limits of the City, whether within or outside the territorial limits of the North Plan Area, will be of benefit to the North Plan Area; provided, however, any such expenditure shall be subject to the terms and conditions of the Tax Allocation Agreement for the North Plan Area, a copy of which is on file with the Clerk of the Board in File No. 981440.

Section 5. The Board of Supervisors hereby approves and adopts the Redevelopment Plan and designates the approved Redevelopment Plan as the official Redevelopment Plan of the North Plan Area.

Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a copy of this Ordinance to the Redevelopment Agency pursuant to California Health and Safety Code Section 33372, whereupon the Redevelopment Agency shall be vested with the responsibility for carrying out the Redevelopment Plan, (2) record or ensure that the Redevelopment Agency records a description of the North Plan Area and a certified copy of this Ordinance pursuant to California Health and Safety Section 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this Ordinance, together with a copy of the Redevelopment Plan, which contains a legal description of the North Plan Area and a map indicating the boundaries of the North Plan Area, to the Controller, the Tax Assessor, the State Board of Equalization and all taxing agencies in the North Plan Area pursuant to California Health and Safety Code Sections 33670 and 33375.

Section 7. In furtherance of the adoption and implementation of the Redevelopment Plan and in accordance with the recommendations of various City commissions and departments, the Board of Supervisors hereby approves the proposed Interagency Cooperation Agreement. In connection therewith, for purposes of Section 53316.2(b) of the Mello-Roos Community Facilities Act of 1982, as amended, (California Government Code), the Board of Supervisors hereby finds and determines that the Interagency Cooperation Agreement is and will be beneficial to the residents of the City and the North Plan Area. In

accordance with the Interagency Cooperation Agreement, the City will agree to undertake and complete all actions or undertakings necessary or appropriate to ensure the continued fulfillment of the objectives of the Redevelopment Plan and Plan Documents (as defined therein), including, without limitation, preventing the recurrence or spread of the conditions causing blight in the North Plan Area. Such agreement by the City shall also include, without limitation, compliance with those mitigation measures which are set forth in, and denominated as the obligation of the City in, Attachment L to the Mission Bay North Owner Participation Agreement, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981440.

Section 8. The Board of Supervisors authorizes and urges the Mayor, the Director of Public Works and all other appropriate City officials to execute the Interagency Cooperation Agreement, in the name and on behalf of the City, in substantially the form of such agreement presented to this Board of Supervisors.

Section 9. The Board of Supervisors authorizes the Mayor and the Director of Public Works (or any successor City officer designated by law) to enter into and approve any additions, amendments or other modifications to the Interagency Cooperation Agreement (including, without limitation, the exhibits, or the Environmental Investigation and Response Program, Design Review and Document Approval Procedure or Housing Program) that they shall determine, in consultation with the City Attorney and any affected City agencies, are in the best interests of the City, provided that any such additions, amendments or modifications do not materially increase the costs or liabilities of the City, do not materially decrease the time periods required for review or approval by any City Agency of permits, approvals, agreements and entitlements in connection with the implementation of the Redevelopment Plan and Plan documents, do not materially alters the obligations of the City agencies or the principal benefits to the City (including, without limitation, the principal benefits accruing to the

City from the affordable housing elements of the Housing Program), and are necessary or advisable to effectuate the implementation of the Redevelopment Plan, Plan Documents (as defined therein) and this Ordinance, such determination to be conclusively evidenced by the execution and delivery by the Mayor and Director of Public Works of the Interagency Cooperation Agreement and any amendments thereto.

Section 10. The Board of Supervisors authorizes and urges the Mayor, Director of Public Works and any other officers, agents and employees of the City to take any and all steps (including, but not limited to, the execution and delivery of any and all agreements, notices, consents and other instruments or documents, including, without limitation, any agreements to extend any applicable statutes of limitation) as they or any of them deem necessary or appropriate, in consultation with the City Attorney, in order to consummate the Interagency Cooperation Agreement in accordance with this Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by such person or persons of any such documents.

Section 11. The approval under this Ordinance shall take effect upon the effective date of the amendments to the General Plan approved under Board of Supervisors Ordinance No. 324-98, adopted on October 30, 1998.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Jesse Capin Smith
Deputy City Attorney

SUPERVISOR YAKI
BOARD OF SUPERVISORS

City and County of San Francisco
Tails
Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981440 **Date Passed:**

Ordinance approving and adopting the Redevelopment Plan for the Mission Bay North Plan Area, which is generally bounded by the north embankment of the China Basin Channel and Townsend, Third and Seventh Streets, and contains approximately 65 acres of land; approving and authorizing in Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Plan and related cooperation agreement are consistent with the City's General Plan and Eight Priority Policies of the Planning Code Section 101.1; and adopting other findings pursuant to the California Community Redevelopment Law.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981440

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

AMENDMENT OF THE WHOLE
10/19/98-In Board

FILE NO. 98-1333 ORDINANCE NO. 328-98

[Mission Bay Street Vacation]

ORDERING THE VACATION OF CERTAIN STREET AREAS WITHIN MISSION BAY; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING FINDINGS THAT SUCH VACATION OF STREET AREAS IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco finds, determines and declares as follows:

A. On August 24, 1998, the Board of Supervisors adopted Resolution No. 705-98, being a Resolution of Declaration of Intention to Order the Vacation of Certain Street Areas Within Mission Bay (the "Resolution of Intention"). The general location and extent of such street areas to be vacated are described as follows (collectively, the "Street Areas"):

1. Illinois Street between Merrimac Street and Sixteenth Street;
2. El Dorado Street east of Illinois Street;
3. Alameda Street west of Illinois Street;
4. Portions of Illinois Street between Sixteenth Street and Mariposa Street;
5. Portion of Louisiana Street adjacent to Terry Francois Boulevard;
6. Portions of Fourth Street between Third Street and Louisiana Street;
7. Merrimac Street west of Illinois Street;
8. Illinois Street between Merrimac Street and Fourth Street;
9. Portion of Fourth Street north of Mission Rock Street;
10. Portion of Hubbell Street between Third Street and Fourth Street;
11. Portion of Berry Street between Third Street and Fourth Street;

SUPERVISOR YAKI, TENG, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE
BOARD OF SUPERVISORS

12. Fifth Street between Townsend Street and King Street;
13. Jewett Street between Fourth Street and Fifth Street;
14. Portion of Berry Street between Fifth Street and Sixth Street;
15. Sixth Street between Berry Street and Channel Street;
16. Portion of Berry Street between Fourth Street and Fifth Street;
17. Fifth Street between Berry Street and Channel Street;
18. King Street between Sixth Street and Seventh Street;
19. Portion of Berry Street between Sixth Street and Seventh Street;
20. Sixth Street south of Townsend Street;
21. Portion of King Street east of Sixth Street;
22. Portion of Owens Street west of Sixth Street;
23. Portions of Owens Street between Channel Street and Sixteenth Street;
24. Portions of Sixth Street between Channel Street and Sixteenth Street;
25. Pennsylvania Avenue between Sixteenth Street and Seventh Street;
26. Sixth Street between Sixteenth Street and former Tennessee Street; and
27. Portion of Mission Rock Street east of Fourth Street.

B. The Street Areas are shown in the Department of Public Works' SUR Maps Nos. 998, 1098, 1198, 1298, 1398, 1498, 1598, 1698, 1798, 1898, 1998 and 2098, dated August 7,1998, and are more particularly described in the legal descriptions attached to such maps. Copies of such maps and legal descriptions are on file with the Clerk of the Board of Supervisors in File No. 981332.

C. The Clerk of the Board of Supervisors did transmit to the Director of the Department of Public Works a certified copy of the Resolution of Intention, and the Director of the Department of Public Works did cause notice of adoption of such resolution to be posted in the manner required by law.

SUPERVISOR YAKI
BOARD OF SUPERVISORS

D. When such matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco, on October 19, 1998, beginning at 3:00 p.m., the Board heard all persons interested in such vacation.

E. The vacation of the Street Areas is contemplated by and is necessary to fulfill the purposes of (i) the Redevelopment Plans for the Mission Bay North Redevelopment Project and the Mission Bay South Redevelopment Project (the "Plans") and the Interagency Cooperation Agreements between the City and the Redevelopment Agency of the City and County of San Francisco in furtherance of the implementation of the Plans, as approved pursuant to Board of Supervisors Ordinance Nos. 327-98 and 335-98, (ii) the Amended and Restated Mission Bay City Land Transfer Agreement, between the City and Catellus Development Corporation ("Catellus"), approved pursuant to Ordinance No. 330-98 (the "Amended CLTA"), (iii) the Amended and Restated Mission Bay Port Land Transfer Agreement, executed by the City and Catellus and approved pursuant to Ordinance No. 331-98 (the "Amended PLTA"), and (iv) the Land Donation Agreement between the City and The Regents of the University of California approved pursuant to Resolution No. 881-98. Although Mission Rock Street is not a dedicated or accepted City street, a portion of such street area (No. 27 above) is included in this vacation proceeding in order for the City to fulfill its obligations to Catellus with respect to the condition of title to such property pursuant to the Amended PLTA and the Amended CLTA.

F. From all the evidence submitted at the hearing on the Resolution of Intention, the Board of Supervisors finds that the Street Areas, as described in such resolution, are unnecessary for present or prospective public use, subject to the reservations and conditions described in this Ordinance.

G. On September 17, 1998, the City Planning Commission, by Motion No. 14696, and the Redevelopment Agency Commission, by

Resolution No. 182-98, certified the Final Subsequent Environmental Impact Report for the Mission Bay Project ("Final SEIR") as accurate, adequate and objective and in compliance with the California Environmental Quality Act ("CEQA"), which certification was affirmed by the Board of Supervisors by Motion No. M98-132.

H. This Board of Supervisors has reviewed and considered the information contained in the Final SEIR.

I. For purposes of compliance with CEQA, the vacation of the Street Areas are part of the Mission Bay project examined in the Final SEIR for which the Board of Supervisors, by Resolution No. 854-98, has adopted findings with respect to the Final SEIR as required by CEQA, which findings are on file with the Clerk of the Board of Supervisors under File No. 98-1427, and which findings are incorporated herein by this reference.

J. On September 17, 1998, the Planning Commission adopted Resolution No. 14699, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981434, wherein the Planning Commission found that the vacation of the Street Areas is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1.

K. On September 22, 1998, the Port Commission by Resolution No. 98-96 approved the vacation of those Street Areas that are within Port jurisdiction and recommended adoption of this Ordinance by the Board of Supervisors.

Section 2. The public convenience and necessity require that the City reserve and except from the vacation of the Street Areas solely the following: the non-exclusive easement and right for the benefit of Pacific Bell and PG&E, in, upon, and over those certain portions of the Street Areas in which their respective in-place and functioning facilities are located as described in the maps on file with the Clerk of the Board of Supervisors under

File No. 98-1333, to the extent necessary to maintain, operate, repair and remove such existing lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of existing gas pipelines, telegraphic, telecommunication and telephone lines, and existing street lighting facilities, and existing facilities for the transportation or distribution of electric energy, and reasonable access to the foregoing facilities for the purposes set forth above.

Section 3. The public convenience and necessity further require: that any reserved or excepted easements for existing utilities described in the preceding section shall be terminated in whole or in part, as applicable, upon the earliest of (i) the termination of any applicable easement pursuant to any agreement entered into with Pacific Bell or PG&E pursuant to its terms, (ii) the City's acceptance of a new dedicated public street (or streets) in place of any of the Street Areas in which such existing utilities are located or (iii) the determination by the City's Director of Public Works that either (A) reasonable alternative utility service has been provided to the areas served by such utilities for the period of service needed or (B) the areas served by the utilities no longer require such service (as may be evidenced by written notice of the owners being served that such service is no longer required); and that any new public utilities shall be placed in the new dedicated street pursuant to then applicable franchise rights or other applicable requirements of controlling state or federal statutes, consistent with the applicable infrastructure plan under the applicable Interagency Cooperation Agreement or otherwise in locations and on terms and conditions reasonably satisfactory to the City's Director of Property, the Director of Public Works, and where appropriate, the Executive Director of the Port Commission, including without limitation, the location, term, width, scope, access rights and maintenance rights of the new utilities.

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Section 4. Any removal or relocation of a utility for which an easement has been reserved or excepted herein for the benefit of any party shall be performed at no cost or expense to the City, including its Port, provided that nothing in this Ordinance shall be deemed to preclude any future owner of the Street Areas from charging a third party for or otherwise causing a third party to bear the costs of such relocation where such charge or cost is otherwise permitted by law.

Section 5. The public convenience and necessity require that in connection with the Initial Closing as defined in and determined under the Amended CLTA, the City shall receive grants of non-exclusive easements from Catellus for existing in-place City utilities, the reason for which will arise due to the vacation of the Street Areas, such easements to be in the form and on such terms as provided in Section 5.1.3.1 of the Amended CLTA.

Section 6. The public convenience and necessity require that, except as specifically provided in this Ordinance above, no easements or other rights be reserved for any public utility facilities that are in place in such Street Areas and that any rights based upon any such public utility facilities are extinguished.

Section 7. The vacation of the Street Areas shall be subject to the following grants of private rights of access on or before the effective date of the vacation as provided herein: (i) in connection with the Initial Closing as defined in and determined in accordance with the Amended CLTA, the City shall receive grants of non-exclusive interim easements from Catellus, in, upon, over and across portions of the Street Areas shown on the map(s) on file with the Clerk of the Board of Supervisors under File No. 98-1332, for pedestrian and vehicular access to other properties, (ii) in connection with the donation of property by the City to the Regents pursuant to the UCSF Land Donation Agreement and the vacation of the portion of Sixth Street between Channel and Sixteenth Streets described herein, the City shall receive a grant of a non-exclusive interim right of access from The Regents (or reserve

an easement from its donation of land to The Regents) on the terms and conditions described in the UCSF Land Donation Agreement; (iii) in connection with the Initial Closing as defined in and determined in accordance with the Amended CLTA, the City shall grant to Catellus the non-exclusive interim easement for the benefit of Catellus and its agents, tenants and licensees in, upon, over and across portions of the Street Areas shown on the map(s) on file with the Clerk of the Board of Supervisors under File No. 98-1332, for access to certain of Catellus' other properties in Mission Bay South, pursuant to the terms and conditions of Section 5.1.3.1 of the Amended CLTA, (iv) the City and Catellus shall grant to the owner of the property described as 1900 Third Street, a non-exclusive license for access to its property in, upon, over and across certain property as described in the license agreement between the City, Catellus Development Corporation and 1900 Third Street Associates on file with the Clerk of the Board in File No. 98-1501, on the terms and conditions of such license agreement, (v) the City, through its Port Commission, shall grant interim non-exclusive access for its houseboat tenants over that portion of Sixth Street south of the Channel shown on the map(s) on file with the Clerk of the Board of Supervisors in File No. 98-1332 until such time as alternative access is provided in accordance with the Redevelopment Plan for the Mission Bay South Project, and (vi) with respect to certain portions of the Street Areas described as Nos. 22 and 24 above and shown on the map on file with the Clerk of the Board of Supervisors in File No. 98-1332, the City or Catellus shall grant to Caltrans an interim license, on mutually acceptable terms and conditions, for a private right of access over such portions of such Street Areas in order to reconstruct, repair, retrofit, operate, maintain and inspect highway facilities on Caltrans' adjoining right of way.

Section 8. The public interest and convenience require that the vacation be done as declared in the Resolution of Intention.

///

Section 9. That the Board of Supervisors hereby finds that the vacation of the Street Areas is in conformity with the General Plan and is consistent with the Eight Priority Policies of Planning Code Section 101.1 for the same reasons as set forth in the Planning Commission Resolution No. 14699, and hereby incorporates such findings by reference as though fully set forth in this Ordinance.

Section 10. The Board of Supervisors finds that the vacation of the Street Areas under this Ordinance is part of the Mission Bay Project described in the Final SEIR and hereby adopts and incorporates the findings under CEQA contained in Resolution No. 854-98 by this reference thereto as though such findings were fully set forth in this Ordinance.

Section 11. The Board of Supervisors has acquired jurisdiction to order such vacation subject to the reservation of easements described in this Ordinance above.

Section 12. The Street Areas are hereby ordered vacated in the manner described in the Resolution of Intention, subject to and effective upon the occurrence of the following conditions: (i) as to such Street Areas located outside of the jurisdiction of the Port Commission, the occurrence of the Initial Closing under the Amended CLTA, (ii) as to such Street Areas located within the jurisdiction of the Port Commission, the occurrence of the Closing under the Amended PLTA, which is intended to occur simultaneously with the Initial Closing under the Amended CLTA, (iii) as to those Street Areas that are affected, the grants of private rights of access as are specified in Section 7 of this Ordinance, (iv) with respect to the Street Area described as a portion of Berry Street between Fourth Street and Fifth Street (No. 16 above), Caltrans' approval of necessary lane and turn modifications consistent with the infrastructure plan needed to implement the Redevelopment Plan for the Mission Bay North Project Area, and (v) with respect to the Street Area described as King Street between Sixth Street and Seventh Street and Sixth Street south of Townsend Street (Nos. 18 and 20

above), approval by the Joint Powers Board and the California Public Utilities Commission of a new grade crossing at or about Hooper Street consistent with the infrastructure plan needed to implement the Plans. Immediately upon the occurrence of such closings the Clerk of the Board of Supervisors and the Director of Property are authorized and the Clerk is directed to record (or cause to be recorded) a certified copy of this Ordinance as provided in Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation shall be effective without any further action of the Board of Supervisors.

Section 13. The Board of Supervisors hereby directs the Clerk of the Board of Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner required by law. The Clerk of the Board is also hereby directed to transmit to the Recorder a certified copy of this Ordinance so that this Ordinance may be recorded on the Initial Closing Date under the Amended CLTA and the Closing Date under the Amended PLTA.

Section 14. The approval under this Ordinance shall take effect upon the effective date of the amendments to the General Plan approved under Board of Supervisors Ordinance No. 324-98.

Section 15. All actions heretofore taken by the officers of the City with respect to such street vacations are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Executive Director of the Port Commission, Director of Property, and Director of Public Works are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance (including, without limitation, confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of any of the Street Areas hereunder and confirmation of the termination of any easements reserved hereunder pursuant to Section 3 of this Ordinance and execution and delivery of any evidence of the same, which shall be

conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

RECOMMENDED:

Mark Primeau
Director of Public Works

Anthony J. DeLucchi
Director of Property

Douglas F. Wong
Executive Director
Port of San Francisco

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By
Jesse Capin Smith
Deputy City Attorney

401 Van Ness Avenue Room 308
San Francisco CA 94102-4552

Tails

Ordinance

File Number: 981333 **Date Passed:**

Ordinance ordering the vacation of certain street areas within Mission Bay; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such vacation of street areas is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1

October 19, 1998 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Excused: 2 - Kaufman, Newsom

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Excused: 2 - Kaufman, Newsom

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981333

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981333 continued...

[Subdivision Code Amendments]

AMENDING PART II, CHAPTER XIII OF THE SAN FRANCISCO MUNICIPAL CODE (SUBDIVISION CODE) TO ADD THE MISSION BAY SUBDIVISION CODE TO PROVIDE FOR PROCESSING OF SUBDIVISION AND PARCEL MAPS IN THE MISSION BAY AREA, GENERALLY BOUNDED BY TOWNSEND STREET, SEVENTH STREET AND INTERSTATE 280, MARIPOSA STREET, TERRY A. FRANCOIS BOULEVARD AND THIRD STREET, AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter XIII of the San Francisco Municipal Code (Subdivision Code) is hereby amended by adding the Mission Bay Subdivision Code thereto, immediately following the existing Subdivision Code provisions, to read as follows:

SUBDIVISION CODE

OF THE CITY AND COUNTY OF SAN FRANCISCO

FOR THE MISSION BAY PROJECT AREA

ARTICLE 1

GENERAL PROVISIONS

Sec. 1400. Title.
Sec. 1401. Authority and Mandate.
Sec. 1402. Purposes.
Sec. 1403. Scope.

Sec. 1404. Enforcement.
Sec. 1404.1 Certificate of Compliance.
Sec. 1405. Severability.

SEC. 1400. TITLE.

This Chapter shall be known as the "Subdivision Code of the City and County of San Francisco for the Mission Bay Project Area" (hereinafter referred to as this "Code") and applies only to the areas designated as the Mission Bay North Redevelopment Project Area and the Mission Bay South Redevelopment Project Area (collectively the "Mission Bay Project Area").

SEC. 1401. AUTHORITY AND MANDATE.

(a) This Code is adopted pursuant to the Subdivision Map Act of California, Title 7, Division 2 of the Government Code, commencing with Section 66410 (hereinafter referred to as "SMA"), and repeals the Mission Bay Subdivision Code, adopted as Exhibit F to Ordinance No. 60-91, being the Mission Bay Development Agreement, to the extent, if any, not previously repealed by the termination of the Development Agreement, and repeals the Mission Bay Subdivision Regulations adopted by the Director on October 18, 1991, to the extent not previously repealed.

(b) Any amendments to SMA, adopted subsequent to the effective date of this Code, shall not invalidate any provisions of this Code. Any amendments to SMA that may be inconsistent with this Code shall govern.

(c) Subject to the procedures and requirements for development in the Mission Bay Project Area set forth in the Plans and Plan Documents, as defined in the Plans, this Code shall govern in relation to all other City Regulations. Except as required by the SMA, in the event of any inconsistency or conflict between the provisions of this Code and the Plans or Plan Documents, the Plans and Plan Documents shall control. All applications for Tentative

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Maps, Vesting Tentative Maps, Parcel Maps and Final Maps shall be consistent with the Plans and Plan Documents.

(d) This Code and the regulations adopted pursuant to this Code shall apply to all subdivisions hereafter made entirely or partially within the Mission Bay Project Area. This Code shall be effective until the termination of the Plan, including any modifications or extensions thereof. Upon termination all the subdivisions in the Mission Bay Project Area shall be governed by the San Francisco Subdivision Code and applicable regulations unless otherwise specified.

SEC. 1402. PURPOSES.

(a) This Code is enacted to establish procedures and requirements for the control and approval of subdivision development within the Mission Bay Project Area of the City and County of San Francisco in accordance with SMA and the Plans and Plan Documents.

(b) This Code is enacted to accomplish the following purposes in accordance with the procedures and requirements for the control and approval of development of the Project Area as set forth in the Plans and Plan Documents:

(1) To provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions within the Mission Bay Project Area, and to ensure that all subdivisions are built to City standards consistent with the Plans and Plan Documents.

(2) To assist in implementing the objectives, policies, and programs of the General Plan by ensuring that all proposed subdivisions, together with the provisions for their design and improvement, are consistent with the General Plan of the City.

(3) To preserve and protect, to the maximum extent possible, the unique and valuable natural resources and amenities of the City's environment, including topographic and geologic features, open space lands, waterfront recreational areas, fish and wildlife habitats,

historical and cultural places, and scenic vistas and attractions; and, to maximize the public's access to and enjoyment of such resources and amenities through the dedication or continuance of applicable easements thereto.

(4) To relate land use intensity and population density to existing development, street capacity and traffic access, the slope of the natural terrain, and the availability of public facilities and utilities and open space.

(5) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(6) To provide streets of adequate capacity and design for anticipated uses and to ensure maximum safety for pedestrians and vehicles.

(7) To ensure adequate access to each building site.

(8) To provide sidewalks, and where needed pedestrian ways, biking paths, and jogging trails for the safety, convenience, and enjoyment of the residents of new developments.

(9) To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety and convenience.

(10) To provide adequate sites for public facilities needed to serve the residents of new developments.

(11) To ensure adequate financing of the costs of providing land for streets, alleys, pedestrian ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments.

(12) To ensure that land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare in conformance with the General Plan.

SEC. 1403. SCOPE.

(a) This Code supplements SMA, prescribing rules, regulations and procedures authorized therein.

(b) The necessity for Tentative Maps, Final Maps and Parcel Maps shall be governed by this Section and SMA.

(c) For subdivisions creating five (5) or more parcels or units, a Tentative Map and a Final Map shall be required pursuant to this Code and SMA.

(1) A Tentative Map and a Final Map shall be required for all such subdivisions except those coming within the exceptions set forth in Section 66426 of SMA.

(2) A Tentative Map and a Parcel Map shall be required for all subdivisions coming within the exceptions set forth in Section 66426 of SMA.

(d) For subdivisions creating fewer than five (5) parcels or units, no Tentative Map shall be required except as provided in Section 1443.1(a) for Vesting Tentative Maps and except where the Director deems a Tentative Map would be appropriate and the applicable City Regulations for the subject property would permit development at a density such that the subject property, or any portion thereof, may be resubdivided in a manner which would ultimately permit five (5) or more parcels on the subject property. In all other subdivisions creating fewer than five (5) parcels or units, a Parcel Map containing the information specified by Section 1459 of this Code and SMA shall be required. Said Parcel Map shall be filed with the Director and recorded according to the procedure set forth in Sections 1460 through 1464 of this Code.

(e) No Tentative Map, Final Map or Parcel Map shall be required for those specific types of subdivision exempted by Sections 66412 and 66428 of SMA; provided, however, that with respect to subdivisions described in Subsection (h) of Section 66412 of the SMA, certification pursuant to the provisions of Section 1497 must be obtained.

(f) The Director shall waive the requirement of a Parcel Map for any improved or unimproved land shown on the latest equalized County assessment roll as contiguous units or parcels where the units or parcels have been subdivided legally and comply with the requirements as to lot width and area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

(g) Nothing herein shall preclude the approval and filing of Subdivision Maps for purposes of financing and conveyancing only as provided in Section 1312.1 herein.

SEC. 1404. ENFORCEMENT.

(a) It is unlawful for any person, firm, corporation, partnership or association to offer or contract to sell, lease, finance, or construct any building for sale, lease or financing on any parcel or parcels of real property for which a Final Map or a Parcel Map is required unless and until a Final Map or Parcel Map in full compliance with the provisions of this Code and SMA, has been duly recorded in the office of the Recorder. This section does not prohibit an offer or contract to sell, lease, or finance any parcel or parcels of real property where the sale, lease or financing is expressly conditioned upon the filing, approval and recordation of a Final or Parcel Map or where the SMA is inapplicable.

(b) All departments, officials and public employees of the City, City Agencies or the Agency vested with the duty or authority to approve or issue permits, shall act consistent with the provisions of this Code, the Plans and the Plan Documents and shall neither approve nor issue any permit or license for use, construction, or purpose in conflict with the provisions of this Code, the Plans and the Plan Documents. Any such permit or license issued in conflict with the provisions of this Code, Plans and the Plan Documents shall be null and void. No conditions shall be imposed on or in connection with Tentative Maps, Vesting Tentative Maps,

Parcel Maps or Final Maps, including Improvements Plans and Improvement Agreements, that conflict with the Plans and Plan Documents.

(c) Any Subdivider, agent of a Subdivider, successor in interest of a Subdivider, tenant, purchaser, builder, contractor or other person who violates any of the provisions of this Code or any conditions imposed pursuant to this Code, or who knowingly submits incorrect information to endeavor to mislead or misdirect efforts by City Agencies in the administration of this Code, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding two thousand dollars ($2,000) or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(d) The Director shall have the authority to enforce this Code against violations thereof in accordance with Chapter 7, Sections 66499.30 et seq. of the SMA. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Code or the SMA if it finds that development of the real property is contrary to the public health, safety or welfare. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property. Whenever the City has knowledge that property has been divided in violation of the provisions of the SMA or this Code, the Director shall process a notice of violation and meet and confer with the owner pursuant to SMA Section 66499.36.

SEC. 1404.1. CERTIFICATE OF COMPLIANCE.

(a) Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property, may request the Director to determine whether the real property complies with the provisions of this chapter and the SMA. The Director shall forward the request to the City Attorney for review.

(b) Upon making a determination of compliance, the Director shall, in accordance with Section 66499-35 of the SMA cause a certificate or conditional certificate of compliance approved as to form by the City Attorney to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with applicable provisions of the City Regulations and the SMA.

(c) A recorded Final or Parcel Map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

(d) If the Director determines that the real property does not comply with the provisions of this Code or the SMA the Director shall issue a conditional certificate of compliance. In issuing a conditional certificate of compliance the Director may impose such conditions (including but not limited to filing an application for a corrected Tentative, Final or Parcel Map) as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at such time by this Code or the SMA. Where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of local ordinances enacted pursuant thereto who by a grant of real property created a parcel or parcels in violation of this Code or the SMA, and that person is the current owner of record of one (1) or more of the parcels which were created as a result of the grant on violation of this Code or the SMA, then the Director may impose any conditions which would have been applicable to a current division of the property

SEC. 1405. SEVERABILITY.

(a) If any Article, Section, Subsection, paragraph, sentence, clause or phrase of this Code, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decisions shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. The Board of Supervisors hereby declares that it would have passed each Article, Section, Subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more Articles, Sections, Subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

(b) If the application of any provision or provisions of this Code to any person, property or circumstances is found to be unconstitutional, invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person, property or circumstances immediately involved in the controversy and the application of any such provisions to other persons, properties and circumstances shall not be affected.

(c) This Section shall apply to this Code as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

ARTICLE 2

DEFINITIONS

Sec. 1406. General.
Sec. 1407. Government Agencies.
Sec. 1408. Intentionally left blank
Sec. 1409. Terminology.

SEC. 1406. GENERAL.

Officials and agencies referred to in this Code and in SMA are officials and agencies of the City and County of San Francisco and the Agency, unless the contrary is either stated or implied. Capitalized terms unless separately defined in this Code have the meanings and content set forth in the Plans and Plan Documents.

SEC. 1407. GOVERNMENT AGENCIES.

(a) "Advisory Agency" and "Director" mean the Director of the City Department of Public Works.

(b) "Agency" means the Redevelopment Agency of the City and County of San Francisco.

(c) "Bureau of Engineering" means the City Bureau of Engineering of the Department of Public Works.

(d) "City" means the City and County of San Francisco.

(e) "City Agencies" means the City and, where appropriate, all City Departments, agencies, boards, commissions, and bureaus with subdivision or other permit, entitlement, review or approval authority or jurisdiction over any Major Phase or Project in the Mission Bay Project Area or any portion thereof.

(f) "City Regulations" shall have the meaning given in the Plans.

(g) "Clerk" means the Clerk of the Board of Supervisors for the City.

(h) "County," "City," "City and County," "Municipality" and "Local Agency" mean the City and County of San Francisco

(i) "County Surveyor," "County Engineer" and "City Engineer" mean the Director and his staff.

(j) "Department of Building Inspection" and "DBI" mean the City Department of Building Inspection.

(k) "Department of Public Works" means the City Department of Public Works.

(l) "Governing Body," "Legislative Body" and "Board" mean the City Board of Supervisors.

(m) "Government Agencies" means state, federal, regional or local governmental agencies, other than City Agencies, having or claiming jurisdiction over all or portions of the Mission Bay Project Area or aspects of its development.

(n) "Plan Documents" means the Plans and their implementing documents, including without limitation, this Code and regulations adopted hereunder, owner participation agreements, and the Design for Development.

(o) "Plans" mean the Redevelopment Plan for Mission Bay North and the Redevelopment Plan for Mission Bay South.

(p) "Planning Department" means the City Department of Planning.

(q) "Planning Director" shall mean the City Director of Planning.

(r) "Project Area" or "Mission Bay Project Area" includes all of the North Plan Area and all of the South Plan Area as described in the Mission Bay North Redevelopment Plan and the Mission Bay South Redevelopment Plan, respectively.

(s) "Subdivider" or "Applicant" shall mean the owner of real property, or the owner's authorized agent or representative, who applies for, or obtains, approval to subdivide such real property.

(t) "Subdivision" shall mean, in accordance with Government Code Section 66424 and subject to the exclusions described in the SMA, including Government Code Section 66412, the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way.

Subdivision includes a condominium project, as defined in Section 1451(f) of the California Civil Code or a community apartment project, as defined in Section 1451(d) of the California Civil Code. Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of lots. Subdivision does not include a lot line adjustment.

SEC. 1408. Intentionally left blank.

SEC. 1409. TERMINOLOGY.

(a) "Application Packet" shall mean the Tentative Map together with all documents, statements and other materials that are required as attachments thereto.

(b) "Final Map" shall mean a map prepared in accordance with Chapter 2, Article 2 of SMA and this Code, which map is designed to be placed on record in the office of the Recorder.

(c) "Improvement Plan" shall mean an engineering plan or a set of engineering plans showing the location and construction details of improvements.

(d) "Parcel Map" shall mean a map prepared in accordance with Chapter 2, Article 3 of SMA and this Code, which map is designed to be placed on record in the office of the Recorder.

(e) "Soil Engineer" shall mean a qualified and duly licensed engineer, experienced in engineering geology, responsible for the soil engineering work outlined in this Code, including supervision, analysis and interpretation of field investigation and laboratory tests for a specific project; preparation of geological and soil engineering recommendations and specifications; and supervision of grading construction work.

(f) "Standard Specifications" shall mean the Standard Plans and Specifications of the Bureau of Engineering, including any modifications thereof as set forth in the Plans, Plan Documents or Subdivision Regulations.

(g) "Tentative Map" shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; such a map need not be based upon an accurate or detailed final survey of the property.

(h) "Vesting Tentative Map" shall mean a tentative map which has been filed, processed and approved in accordance with the Vesting Tentative Map Statute, Government Code Section 66498.1 et seq., and this Code and which shall have at the time of filing printed conspicuously on its face the words "Vesting Tentative Map."

ARTICLE 3

GENERAL PROCEDURAL PROVISIONS

Sec. 1410. Advisory Agency.

Sec. 1411. Subdivision Regulations.

Sec. 1412. Exceptions.

Sec. 1412.1 Conveyancing or Finance Maps.

Sec. 1412.2 Lot Line Adjustments

Sec. 1413. Notice and Hearing.

Sec. 1414. Appeals.

Sec. 1415. Fees.

SEC. 1410. ADVISORY AGENCY.

(a) The Director is hereby continued as the Advisory Agency for all purposes hereunder and under the SMA.

(b) All maps, plans and reports required by this Code shall be filed with the Director.

SEC. 1411. SUBDIVISION REGULATIONS.

(a) The Director, with the assistance of other City Agencies, shall prepare and publish the Mission Bay Subdivision Regulations ("Subdivision Regulations") needed to implement and supplement this Code in accordance with the SMA, this Code, the Plans and Plan Documents.

(b) Such Regulations shall be adopted by the Director after holding a public hearing. The decision of the Director in adopting the Subdivision Regulations shall be subject to review by the Agency for consistency with the Plans.

SEC. 1412. EXCEPTIONS.

(a) Upon application by the Subdivider, the Director may, subject to the SMA, authorize exceptions to any of the requirements set forth in this Code and in the Subdivision Regulations.

(b) Before granting any such exception in whole or in part, the Director must find:

(1) That the application of certain provisions of this Code or the Subdivision Regulations would result in practical difficulties or unnecessary hardships affecting the property inconsistent with the general purpose and intent of the Plans and Plan Documents.

(2) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated; and

(3) That the granting of such exception will not be contrary to the Plans.

(c) In granting any such exception, the Director shall designate the conditions under which the exception is granted.

(d) The Director shall not grant any exceptions in violation of the SMA.

(e) The standards and requirements of this Code and the Subdivision Regulations shall, where necessary, be modified by the Director where the Director finds such

modifications are necessary to assure conformity to and achievement of the standards and goals of the Plans.

(f) If the Director elects to hold a public hearing with respect to an application for exception, the Director shall give notice not less than ten (10) days and no more than fifteen (15) days prior to the hearing date as provided in subsection (a) of Section 1413.

SEC. 1412.1 CONVEYANCING OR FINANCE MAPS.

Subdivider may file Subdivision or Parcel Maps for purposes of financing and conveyancing only (hereinafter referred to as a "Transfer Map").

(a) When Subdivider submits a Tentative Map or Parcel Map application for a Transfer Map, the proposed map shall have printed conspicuously on its face "FOR PURPOSES OF FINANCING AND CONVEYANCING ONLY."

(b) A Transfer Map shall condition development of the parcels therein upon provision of all necessary Infrastructure, as described in the Plans and Plan Documents, to be provided in connection with subsequent City permits, subdivision or parcel maps and Improvement Plans, as applicable.

(c) The Final or Parcel Map for a Transfer Map shall contain notes, restrictions, references or conditions as approved by the City, which may, among other things, prohibit development on the parcels absent compliance with the Plans and Plan Documents, and all other applicable City Regulations.

(d) No Transfer Map may be approved without Agency approval. In addition, no Transfer Map may be approved for any parcel smaller than a numbered parcel as shown on the Land Use Plan as described in the Plan Documents, prior to approval by the Agency of the Major Phase for the area which includes the parcels proposed to be subdivided except for the following exceptions, as approved by the Agency: (1) subdivision or parcel maps which may be required to accommodate interim uses or development; (2) subdivision or parcel

maps which may be required to transfer Advance Delivery Affordable Housing Parcels; (3) any subdivision or parcel maps which may be required for any easement parcels required to be transferred pursuant to the Amended and Restated City Land Transfer Agreement; or, (4) any other exceptions specifically reviewed by the Agency.

(e) Approval of a Transfer Map shall not be deemed to permit any development of, or construction on, a parcel.

(f) The Director may waive certain submittal requirements for Tentative Maps for a Transfer Map application in accordance with Section 1422(c) hereof.

SEC. 1412.2 LOT LINE ADJUSTMENTS.

"Lot line adjustment" shall have the meaning as described in Government Code Section 66412. Applications for lot line adjustments shall be considered by the Director consistent with the provisions of Government Code Section 66412.

SEC. 1413. NOTICE AND HEARING.

(a) The Director shall give notice in the following manner to the public and interested parties of each application for a Tentative Map, or for a Parcel Map for which a Tentative Map is not required and an application for an exception filed pursuant to Section 1412.

(1) Notice of the Director's receipt of an application shall be published in at least one newspaper of general circulation within the City and County of San Francisco.

(2) Notice of the Director's receipt of the application shall be mailed or delivered to each local agency expected to provide or approve water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(3) Notice of the Director's receipt of the application shall be mailed or delivered to all owners of real property, as shown on the latest equalized assessment roll,

within three hundred (300) feet of the real property that is the subject of the application. In lieu of utilizing the assessment roll the local agency may utilize records of the County Assessor or Tax Collector which contain more recent information than the assessment roll. A copy of such notice shall be mailed to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant, if a different person. If the number of persons to whom notice would be mailed or delivered pursuant to this paragraph is greater than one thousand (1,000), the Director, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation within the City and County of San Francisco at least ten (10) days prior to the hearing.

(4) Notice of the Director's receipt of the application shall be mailed or delivered to any person who has filed a written request for notice with the Director's office.

(b) When a public hearing is requested in writing within ten (10) days of the date that notice of an application subject to Subsection (a) of this Section was sent or published, by a person whose interest would be affected, the Director shall hold a public hearing with respect to the application in question.

(c) If the Director is required or elects to hold a public hearing with respect to an application, he or she shall give notice not less than ten (10) days prior to the hearing date as provided in Subsection (a) of this Section. No public hearing shall be held until after Government Agencies and City Agencies comments are received or the time period for receiving such comments has run, whichever occurs first, and the Director has provided a written report in accordance with Section 1429.

(d) All applications for a Tentative Map, or for a Parcel Map for which a Tentative Map is not required, shall include, in addition to all other information required:

(1) A list of the names, assessor's lot and block numbers and mailing addresses of all those shown in the last equalized assessment roll as owning property within three hundred (300) feet of the property proposed to be subdivided.

(2) A three hundred (300)-foot radius map delineating all the properties described in Subsection (d)(1).

(3) Three stamped envelopes preaddressed to each of the listed property owners, suitable for mailing notice of the application and of any hearing or appeal thereon. Blank Department of Public Works envelopes will be furnished to a proposed Subdivider on request. Unused envelopes will be returned to the proposed Subdivider on request.

(e) Any Department hearing required or permitted by this Code may, at the discretion of the Director be held jointly with the Department of Planning. The provisions of this Section shall be superseded by those of any amendment to California Government Code Sections 65090 or 65091, or by any provision of the SMA, should the amended provisions require additional notice.

(f) Applications for Tentative and Parcel Maps shall be processed in compliance with the Plans, Plan Documents and California Government Code Sections 65920 to 65963.1 and any applicable Government Code Section amendments. For the purposes of appealing a decision by the Director as to completeness of an application pursuant to California Government Code Section 65943, the appeal must be made to the Board of Supervisors.

SEC. 1414. APPEALS.

(a) The proposed Subdivider, and any person who owns property within three hundred (300) feet of a proposed subdivision, may appeal to the Board from a final decision of the Director approving, conditionally approving, or disapproving a Tentative Map, or a Parcel Map for which a Tentative Map is not required. Any such appeal must be filed in

writing with the Clerk of the Board within ten (10) days of release of the decision appealed, and must be accompanied by the fee specified in Section 1415(b) of this Code.

(b) The Director shall mail or deliver to the proposed Subdivider, and any person who owns property within three hundred (300) feet of a proposed subdivision, notice of: (1) his or her decision, and the findings in support of such decision, on any Tentative Map, or Parcel Map for which a Tentative Map is not required, and of any conditions which may have been incorporated in a conditional approval; (2) the right to appeal the Director's decision; and (3) the availability for examination of the Director's report.

(c) With respect to appeals under this Section, the Board shall schedule a hearing on the appeal to be held within thirty (30) days after the appeal has been filed, and shall give notice as provided in Sections 1413(a)(1) and 1413(a)(2), and to the persons entitled to notice of the Director's decision under Section 1414(b).

SEC. 1415. FEES.

(a) Fees, payable to the Department of Public Works, shall be charged for checking and processing all maps, plans and reports, including all condominium maps and Parcel Maps, filed under this Code. Said fees shall consist of an initial payment in accordance with the estimated actual cost of checking the maps, plans and reports, together with investigations incidental thereto, and shall be paid before or at the time of filing a Tentative Map or a Parcel Map. Where initial payment is insufficient to compensate the actual cost incurred, an additional sum shall be charged to equal such actual cost. Fees for Parcel Maps, excepting condominium maps, which do not require the filing of a Tentative Map, and which do not involve street dedications or improvements, and for parcel map waivers shall be charged for checking and for processing in accordance with the City's Subdivision Code of general applicability. All such fees for Parcel Maps shall be paid at time of filing. Fees based on the actual cost of processing shall be charged to (1) the person requesting a certificate of

compliance for processing and making a determination on the request, (2) the owner of the property who files a petition for initiating reversion to acreage proceedings for processing the petition and (3) the Subdivider for checking, processing and recording an amended map or certificate of correction. The fees for processing a request for a certificate of compliance, a petition for reversion to acreage and an amended map or certificate of correction, shall be determined by the Director and set forth in the Subdivision Regulations. Nonprofit organizations with tax-exempt status under the Internal Revenue Code shall be exempt from payment of the checking and processing fees where the organization is building housing to be used exclusively for the benefit of residents who are low-income, as that term is defined in the Plans and Plan Documents.

(b) A Fee of two hundred fifty dollars ($250) shall be charged to the appellant to defray costs of an appeal under Section 1414 of this Code.

(c) Payment of fees charged under this Code does not waive the fee requirements of other ordinances and rules and regulations pursuant thereto.

(d) There is hereby created a Subdivision Fund wherein all funds received under the provisions of this Section shall be deposited. All expenditures from the Fund shall be for engineering or technical investigations, services, consultants, and equipment directly related to the checking and processing of the maps, plans, reports and Parcel Map waivers filed under this Code, and all such expenditures are hereby appropriated for said purposes. The Applicant, owner or Subdivider, as applicable, shall be reimbursed to the extent estimated fees paid exceed actual costs. At the request of the Applicant, the Director shall provide a reasonably detailed accounting of the City's actual costs of checking and processing incurred hereunder.

ARTICLE 4

TENTATIVE MAPS

Sec. 1420. Pre-filing Conference.
Sec. 1421. Application Packet.
Sec. 1422. Tentative Map and Accompanying Documents.
Sec. 1424. Filing.
Sec. 1425. Referral to Other Agencies.
Sec. 1426. Time Limit for Agency Review.
Sec. 1427. Agency Reports.
Sec. 1428. Subdivision Conference.
Sec. 1429. Director's Consolidated Report.
Sec. 1430 Conditions.
Sec. 1431. Action: Advisory Agency's Decision.
Sec. 1432. General Plan and Redevelopment Plan Consistency Determination.
Sec. 1433 Vesting Tentative Maps
Sec. 1433.1. Vesting Tentative Map.
Sec. 1433.2 Vesting Tentative Map Requirements
Sec. 1433.3 Rights Conveyed
Sec. 1433.4 Vesting Tentative Maps - Inconsistency with Ordinances and Other Standards
Sec. 1434. Agency's Review and Approval of Subdivision Maps.

SEC. 1420. PRE-FILING CONFERENCE.

Prior to filing a Tentative Map, the Subdivider may elect to submit to the Director preliminary maps, plans and other data concerning a proposed subdivision. Within fourteen (14) days after the receipt of said material, the Director will hold a conference with the Subdivider, Planning Department and any other interested agencies, including the San

Francisco Redevelopment Agency, to discuss the proposed subdivision. This procedure is optional and does not waive the requirements for filing a Tentative Map.

SEC. 1421. APPLICATION PACKET.

The initial action in connection with the making of any subdivision for which a Tentative Map is required shall be the preparation of the Application Packet. Section 1422, and with respect to Vesting Tentative Maps Sections 1443.1 and 1443.2, of this Code and the Regulations adopted thereunder cover the preparation of the component parts of said Application Packet.

SEC. 1422. TENTATIVE MAP AND ACCOMPANYING DOCUMENTS.

(a) The Tentative Map shall be prepared by a qualified and duly licensed professional land-surveyor or civil engineer.

(b) The Tentative Map shall contain the following data, as appropriate, in sufficient detail to enable the Director and other agencies to evaluate the proposed subdivision:

(1) Title, as required by the Subdivision Regulations;

(2) Explanatory notes, as required by this Code and the Subdivision Regulations; and

(3) Topographic Map of the proposed subdivision and adjacent lands showing the existing conditions and the proposed changes, as required by the Subdivision Regulations.

(c) The Tentative Map shall conform to the Subdivision Regulations regarding format and contents. The Director may, for Transfer Maps and where otherwise appropriate in accordance with the Subdivision Regulations, defer Tentative Map requirements or may authorize deletion or reduction of any Tentative Map requirements not required by the SMA on the determination that the Tentative Map contains sufficient information to be evaluated adequately and preparing it in the prescribed form would impose a hardship upon the

Subdivider. Where requirements are deferred, appropriate conditions may be included on the Tentative Map for providing such deferred requirements.

(d) The Tentative Map shall be accompanied by the following documents, as provided in the Subdivision Regulations:

(1) Statement. A written statement shall contain the following information:

(i) Existing use or uses of the property, including whether or not there are existing tenancies and the conditions and terms thereof;

(ii) Description of the proposed subdivision, including, if known, the number of lots or units, their sizes and intended uses, nature of the development, and the total area of the development represented by each use;

(iii) Any improvements proposed to be constructed or installed including the source of water supply and the sewage disposal proposed, and the tentative schedule for the start and completion thereof;

(iv) Whether the Subdivider intends to file a Final Map or a Parcel Map;

(v) Description of variances and exceptions that are requested; and

(vi) If the Subdivider plans to file multiple Final Maps on portions of the area covered by the Tentative Map, the Subdivider shall submit a written notice to this effect.

(2) Environmental Evaluation Data. Data shall be supplied on the appropriate Planning Department forms for an environmental evaluation or in appropriate format when necessary to satisfy requirements for environmental review under the California Environmental Quality Act.

SEC. 1424. FILING.

(a) The Application Packet, together with the initial fee payment, shall be filed with the Director.

(b) The date of filing shall be the date when a complete Application Packet has been accepted by the Director.

(c) Upon date of filing the Application Packet shall become a Public Record.

(d) The Director shall determine whether an Application Packet is complete and notify the Subdivider within thirty (30) days of the date of the submittal of the Application Packet. If the Director determines that the Application Packet is not complete, the notice to the Subdivider shall list all of the information necessary to comprise a complete application.

SEC. 1425. REFERRAL TO OTHER AGENCIES.

Within three (3) working days after a complete Application Packet has been filed with the Director, the Director shall forward copies to the Agency, the Planning Department, the Bureau of Engineering, the Department of Building Inspection, the City Attorney, and other appropriate Government Agencies and City Agencies for their review.

SEC. 1426. TIME LIMIT FOR AGENCY REVIEW.

(a) The time limit for Government Agency and City Agencies review shall be thirty (30) days from the date the Director determines that an Application Packet is complete.

(b) The time limit for Government Agency and City Agencies review may be modified in accordance with the Plans and Documents and extended by mutual consent of the Subdivider and the Director.

SEC. 1427. AGENCY REPORTS.

Each reviewing agency shall report, in writing, to the Director, with a copy to the Subdivider, its findings on and recommendation for approval, conditional approval or denial of an Application Packet subject to and in accordance with the Plans and Plan Documents. The Planning Department's report shall include a finding on consistency with the General Plan. The Agency's report shall include a finding of consistency with the Plans and Plan Documents.

SEC. 1428. SUBDIVISION CONFERENCE.

No later than five (5) days after expiration of the review time limits or any mutually agreed extension thereof, the Director at his or her discretion may hold a subdivision conference to discuss the map application, unless the Subdivider has requested a conference or has filed a notice of intent to file multiple Final Maps, in which case the conference is mandatory. Written notice of such conference shall be sent to the Subdivider, and to all agencies who will be submitting or have already submitted a report on the Application Packet.

SEC. 1429. DIRECTOR'S CONSOLIDATED REPORT.

(a) Whenever a subdivision conference is held, the Director shall prepare a written report on the findings or recommendations discussed in the conference, attaching thereto copies of the reports from, or comments made at the subdivision conference by, other agencies. A copy of said report shall be sent to each participant in the subdivision conference. Said report shall be prepared by the Director within five (5) working days after the subdivision conference but in no event less than five (5) days prior to any required public hearing.

(b) Whenever a public hearing is required, the Director shall provide to the Subdivider the Director's report or recommended findings and the findings and recommendations received from the reviewing agencies. Said information or report shall be submitted within five (5) working days after expiration of the review time limits. Said information or report shall be made available to the public prior to the public hearing. In the event a subdivision conference is required, a public hearing shall be held after such conference, no earlier than five (5) days following preparation of the Director's report thereon, and within the time periods set forth in the SMA.

SEC. 1430. CONDITIONS.

(a) Conditions on approval of a Tentative Map, Vesting Tentative Map, or Parcel Map, or Improvement Plans or Agreement may relate wholly or in part to any improvements or structures which may be constructed within, or associated with, the subdivision, as well as to the subdivision itself.

(b) Subject to Section 1412.1, conditions may be required to be fulfilled before or after such filing of the related Final or Parcel Map. Where such conditions are to be fulfilled after filing of the related Final Map, the Subdivider shall, where appropriate, enter into an Improvement Agreement and furnish security for compliance with those conditions including but not limited to security satisfying the requirements of California Government Code Section 66499, pursuant to the provisions of Article 6 and Article 8 of this Code.

(c) No conditions shall be imposed on a Tentative Map, Vesting Tentative Map or Parcel Map or Improvement Plans or Improvement Agreement that are not consistent with, exceed the limitations set forth in, or otherwise conflict with the Plans or Plan Documents.

(d) The provisions of this Code providing for Vesting Tentative Maps does not enlarge, diminish, or alter the types of conditions which may be imposed on a development, nor in any way diminish or alter the City's power to protect against a condition dangerous to the public health or safety.

(e) The Mission Bay Project Area consists of two redevelopment areas with many improvement requirements set forth in the Plans and Plan Documents which will be phased during the development of the project. Many of these improvement requirements will be required by specific, Mission Bay Project Area-wide levels of development. It is therefore possible that a Tentative Map or Parcel Map for a specific development proposal will trigger the requirement for Mission Bay Project Area-wide improvements, based on all development that has occurred to date in the Mission Bay Project Area. For purposes of the Subdivision

Map Act, including, but not limited to, Government Code Section 66411.1, any such improvement requirements that are imposed as conditions upon a division of land shall be deemed to be reasonable offsite and onsite improvements for the parcels being created.

SEC. 1431. ACTION: ADVISORY AGENCY'S DECISION.

(a) Within fifty (50) days after the filing of a complete application for the Tentative Map, unless the time has been extended by mutual consent of the Subdivider and the Director, the Director shall take action on the map application by approving, conditionally approving or disapproving the Tentative Map. If the map is disapproved, the Director shall also state the reasons for disapproval.

(b) Copies of the Director's decision shall be sent to all agencies that submitted reports to the Board and to the public as set forth in Section 1414.

(c) The City shall comply with all time limitations and requirements for processing subdivision maps in the SMA, including, without limitation, those in Government Code Section 66452.4.

SEC. 1432. GENERAL PLAN AND REDEVELOPMENT PLAN CONSISTENCY DETERMINATION.

(a) Whenever a property is to be subdivided, the Department of Planning shall report on the question of consistency of the subdivision with the General Plan and the Redevelopment Agency shall report on consistency with the Plans.

(b) The Director shall disapprove the proposed subdivision when the proposed subdivision is not consistent with the Plans, Plan Documents or General Plan, subject to any decision on appeal by the Board of Supervisors.

(c) When the Department of Planning or the Agency finds, subject to any decision on appeal by the Board of Supervisors, or when the Board of Supervisors finds, that a proposed subdivision will be consistent with the Plans, Plan Documents or General Plan only

upon compliance with certain conditions, the Director shall incorporate said conditions in his or her conditional approval of the proposed subdivision.

SEC. 1433 VESTING TENTATIVE MAPS.

SEC. 1433.1. VESTING TENTATIVE MAP.

(a) Whenever a provision of this Code requires that a Tentative Map or Parcel Map be filed, the Subdivider may file instead a Vesting Tentative Map and Final Map.

(b) Except as otherwise provided in Sections 1443.2 through 1443.5 of this Code, a Vesting Tentative Map shall be subject to the same procedures, requirements and other Code provisions as any other Tentative Map.

SEC. 1433.2 VESTING TENTATIVE MAP REQUIREMENTS.

In addition to meeting the requirements otherwise applicable to Tentative Maps, any Subdivider applying for approval of a Vesting Tentative Map shall also, at the time a Vesting Tentative Map application is filed:

(1) Have printed conspicuously on the face of the map the words "Vesting Tentative Map."

(2) Provide such additional information as required to be submitted to the Redevelopment Agency for a Major Phase Concept Plan application as described in the Design Review and Document Approval Procedure of the Plan Documents, provided that the Director may exempt the Subdivider from such requirements in accordance with this Code.

SEC. 1433.3. RIGHTS CONVEYED.

(a) Approval of a Vesting Tentative Map shall confer a vested right to proceed with development as set forth in Chapter 4.5 of the SMA, Section 66498.1 et seq.

(b) The right referred to in Subsection (a) shall expire if a Final Map is not approved before expiration of the related Vesting Tentative Map under California Government Code

Section 66452.6 and this Code. If a Final Map is approved, the development right referred to in subsection (a) shall continue during the following period of time:

(1) Two years from recording of the approved Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each when the Final Map for that phase is recorded. Where the City uses more than thirty (30) days to process a completed application for a grading permit or for design or architectural review, or such other period of time as provided in the Plan Documents, this initial time period shall be extended by the processing time, counted from the date the application was completed.

(2) An additional period of not more than one (1) year, if the proposed Subdivider applies for such an extension at any time before the expiration of the period provided in Subsection (b)(1), and if the Department of Public Works determines that such extension will not prejudice the interests of the public or other private parties. If the Department of Public Works does not act on an application for extension within forty (40) days after receiving it, it shall be deemed approved. The proposed Subdivider may appeal by filing a written appeal with the Clerk of the Board of Supervisors not later than fifteen (15) days after the disapproval. Any such appeal shall be heard at the time and under the procedural rules then applicable to appeals from denial of Tentative Maps.

(3) If the Subdivider submits a complete building or site permit application before the expiration of the applicable period stated in Subsection (b)(1) or (b)(2), the period during which that application is being processed and the period of the life of any corresponding building or site permit, or any extension thereof.

(4) If a Final Map is recorded based upon a Vesting Tentative Map and the development rights under this Section expire, the Final Map remains in effect without those rights.

SEC. 1433.4.VESTING TENTATIVE MAP – INCONSISTENCY WITH ORDINANCES AND OTHER STANDARDS.

(a) Subsections 1433.1-1433.3 relate only to conditions and requirements imposed by the City and do not affect the obligation of a Subdivider to comply with the conditions and requirements of state or federal laws, regulations or policies.

(b) Notwithstanding any other provision of this Code, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies or standards applicable under Section 1443.3(a), and the City may grant such approvals or issue such permits to the extent consistent with the Plans and Plan Documents and permitted by otherwise applicable City Regulations.

SEC. 1434. AGENCY REVIEW AND APPROVAL OF SUBDIVISION MAPS.

(a) Notwithstanding any provision of the Subdivision Code to the contrary, a Tentative Map shall not be deemed finally approved until the Agency in accordance with the Plan Documents, reviews and approves the Tentative Map to ensure that it is consistent with the Plans and the Plan Documents, including the Infrastructure Plan, the Scope of Development and the Design for Development. The Agency shall also have the right to review any amendment to the Tentative Map, or a subsequent Tentative Map.

The Applicant shall submit copies of its Application Packet for a Tentative Map, and the Application Packet for an amendment to a Tentative Map or a subsequent Tentative Map, to the Agency when it submits the Application Packet to the Director. The Agency shall, in accordance with the Plan Documents, approve, disapprove or approve with conditions the Tentative Map, amendment to the Tentative Map, or a subsequent Tentative Map within thirty (30) days following receipt of an Application Packet, unless such time has been extended pursuant to Section 1426 of the Subdivision Code. The Agency shall deliver the determination to the Director of Public Works in writing, with a copy to the Applicant.

(b) Notwithstanding any provision of the Subdivision Code to the contrary, in accordance with the Plan Documents, a proposed Final Map or Parcel Map shall not be deemed finally approved for recordation unless and until the Agency reviews and approves or is deemed to have approved the proposed Final Map or Parcel Map. The Agency shall approve the proposed Final Map or Parcel Map if: (i) development of the area covered by the proposed Final Map or Parcel Map is consistent with the Plans and Plan Documents and any Major Phase or Project Approvals issued by the Agency, if any; and (ii) the conditions that were imposed upon approval of the Tentative Map to provide Infrastructure Improvements consistent with the Plans and Plan Documents have been satisfied, or the performance of such conditions is otherwise secured by an Improvement Agreement.

The Applicant shall submit copies of all proposed Final Maps or Parcel Maps at the same time such proposed Final Maps or Parcel Maps are filed with the Agency. The Agency shall, in accordance with the Plan Documents, approve, disapprove, or approve with conditions the proposed Final Maps or Parcel Maps within thirty (30) days following receipt of the proposed Final Map or Parcel Map from the Applicant, by delivering a determination to the Director of Public Works, with a copy to the Applicant. If the Agency fails to act within such thirty (30) day period, this requirement shall be deemed to be waived.

ARTICLE 5

SUBDIVISION REQUIREMENTS

Sec. 1435. Public Facilities.
Sec. 1435.1 Off-site Improvements.
Sec. 1436. Utilities.
Sec. 1437. Beautification.
Sec. 1438. Parkland Dedication.
Sec. 1439. Easements.

Sec. 1440. Monuments.

SEC. 1435. PUBLIC FACILITIES.

(a) General. Public facilities listed in this Section shall (where provided) meet the design and construction standards in the Plans, Plan Documents and the Mission Bay Subdivision Regulations consistent therewith.

(b) Streets.

(1) Dedicated Public Streets. A subdivision shall have direct access to a public right of way. Title to a new or widened public right of way shall be conveyed to the City by proper deed either prior to approval of the Final Map or as provided in an Improvement Agreement entered into pursuant to Section 1451.

(2) Private Streets. Easements for government facilities in private streets shall meet the requirements of Section 1449 of this Code.

(c) Frontage Improvements. The frontage of each lot shall be improved to the geometric section specified by the Director in accordance with the Plans, Plan Documents and Mission Bay Subdivision Regulations, including street structural section, curbs, sidewalks, planting areas, driveway approaches and transitions.

(d) Pedestrian Ways. Pedestrian ways shall be required in accordance with the Plans and Plan Documents.

(e) Sanitary and Drainage Facilities. The Subdivider shall provide sanitary and drainage facilities consistent with the Plans, Plan Documents and Mission Bay Subdivision Regulations. When connected to City facilities, such facilities will serve adequately all lots, dedicated areas and all other areas comprising the subdivision.

(f) Fire Protection. The Subdivider shall provide for the installation of fire hydrants and other appurtenances and facilities needed for adequate fire protection consistent with the Plans and Plan Documents.

(g) Street Lighting. The Subdivider shall provide street lighting facilities along all streets, alleys and pedestrian ways consistent with the Plans and Plan Documents.

(h) Fencing. An approved fence may be required on parcels or lots within the subdivision adequate to prevent unauthorized access between the subdivided property and adjacent properties.

(i) Other Improvements. Other improvements may be required including, but not limited to, grading, temporary fencing, signs, street lines and markings, street trees and shrubs, street furniture, landscaping, monuments, bicycle facilities, and smoke detectors, or fees in lieu of any of the foregoing, shall also be required as determined by the Director in accordance with this Code, but only to the extent consistent with the Plans, Plan Documents, the General Plan and applicable City Regulations.

SEC. 1435.1. Off-Site Improvements.

If the Subdivider is required by the Plans or Plan Documents to construct off-site improvements on land which the Subdivider or his predecessor in interest did not own or have sufficient title or interest at the time the tentative or final map is filed, and in which neither the Subdivider nor the City has sufficient title or interest to allow construction, the City shall, within one hundred twenty (120) days of recording the Final Map that triggers the off-site improvement requirement, acquire by negotiation or commence condemnation of the land. If the City fails to meet the one hundred twenty (120) day time limit, the condition for the construction shall be waived. Prior to approval of the Final Map, the City may require the Subdivider to enter into an agreement to complete the off-site improvements at the time the City acquires title or an interest in the land in accordance with the Plans. The Subdivider shall pay to the City, and/or to a third party at the City's direction, all of the cost of acquiring off-site land or an interest in the land (including all costs preparatory to or incurred as a result

of a proceeding in eminent domain) required to construct the off-site improvements, in accordance with the Plans and Plan Documents.

SEC. 1436. UTILITIES.

The Subdivider shall, if required in accordance with the Plans and Plan Documents, provide or cause to be provided a domestic low pressure water system and a high pressure water system, connected to the San Francisco Water Department's water distribution system. The Subdivider shall also provide electric, gas and communication services connected to the appropriate public utility's distribution system.

SEC. 1437. BEAUTIFICATION.

(a) Undergrounding of Utilities. All new utility lines shall be undergrounded as specified in Article 18 of the Public Works Code.

(b) Street Trees and Landscaping. Trees planted along a public street, within the right-of-way, and all landscaping within said right-of-way shall conform to the requirements of the Plans, Plan Documents and Article 16 of the Public Works Code to the extent consistent therewith. In the case of all newly constructed subdivisions, the Subdivider shall provide street trees and landscaping conforming to the policies of the General Plan. Provisions shall be made for maintenance of said trees.

(c) Open Areas. When required pursuant to the Plans and Plan Documents, the Subdivider shall provide for the landscaping of open areas and provision shall be made for the maintenance thereof. Such open areas shall be restricted to such use in accordance with the Plans and Plan Documents.

SEC. 1438. PARKLAND DEDICATION.

Park and open space improvements and dedications shall be provided as required by the Plans and Plan Documents, and in conformance with the standards set forth therein.

SEC. 1439. EASEMENTS.

Easements for sanitary and drainage facilities, fire protection facilities and city-owned street lighting facilities shall be for the use of such governmental facilities, with the right of immediate access to the facilities by the City.

SEC. 1440. MONUMENTS.

(a) The location and installation of survey monuments shall conform to the standards in the Subdivision Regulations. When such monuments are "tied" to the City or State monuments, for which coordinates of the California Coordinate System are available, the corresponding coordinates for such monuments shall be determined and recorded.

(b) The location of survey monuments shall be shown on the Final Map. In the event all survey monuments are not installed prior to filing of the Final Map or Parcel Map a monument bond shall be filed at that time.

ARTICLE 6

IMPROVEMENT REQUIREMENTS

Sec. 1445. General.
Sec. 1446. Improvement Plans.
Sec. 1447. Construction.
Sec. 1448. Failure to Complete Improvements within Agreed Time.
Sec. 1449. Inspection and Testing Fees.
Sec. 1449.1 Revisions to Approved Plans.
Sec. 1450. Intentionally Left Blank
Sec. 1451. Improvement Agreement.
Sec. 1451.1. Completion of Improvements.
Sec. 1451.2. Acceptance of Improvements.

SEC. 1445. GENERAL.

(a) The Subdivider shall provide for the construction and installation of all public improvements in the subdivision in accordance with the Plans and Plan Documents. The term "public improvements" shall mean all improvements required pursuant to Article 5 of this Code, the Plans and Plan Documents, and any additional improvements for the benefit of the public required as a condition of approval of a Tentative Map, consistent with the Plans and Plan Documents.

(b) The Subdivider shall enter into an Improvement Agreement pursuant to Section 1451 whenever required public improvements have not been completed prior to the filing of the Final Map.

SEC. 1446. IMPROVEMENT PLANS.

(a) Following approval of the Tentative Map and prior to filing of the Final Map, the Subdivider's engineer shall submit grading and construction plans for any required public improvements to the Director for approval.

(b) Improvement Plans including grading plans and an erosion control plan, as appropriate, shall be prepared under the direction of a qualified and duly licensed professional civil engineer registered in the State of California.

(c) Improvement Plans shall conform to the Subdivision Regulations regarding format, size and contents.

(d) Any specifications supplementing the Standard Specifications shall be considered a part of the Improvement Plans.

(e) The Director shall act upon and review Improvement Plans within the time periods specified in Section 66456.2 of the SMA. The Director shall send a copy of the Improvement Plans to the Agency for its review. The Director's review of the Improvement

Plans shall conform with the Subdivision Regulations and the Plans and Plan Documents. This time limit may be extended by mutual agreement.

SEC. 1447. CONSTRUCTION.

(a) No construction of public improvements shall commence until Improvement Plans have been approved by the Director.

(b) Construction of public improvements which are to be accepted by the City for maintenance shall be subject to inspection by the Director. The Subdivider is responsible for paying the applicable engineering inspection fee as specified in the Public Works Code.

(c) Any work done by the Subdivider prior to approval of Improvement Plans, including changes thereto, or without the inspection and testing required by the Director is subject to rejection. Such work shall be deemed to have been done at the risk and peril of the Subdivider.

(d) The design and layout of all required improvements, both on-and off-site, private and public, shall conform to the Plans, Plan Documents, the applicable provisions of City Regulations and Tentative Map conditions consistent therewith.

(e) Installation of Underground Facilities. All underground facilities including sanitary and drainage facilities and excepting survey monuments installed in streets, alleys or pedestrian ways shall be constructed, by the Subdivider and inspected and approved by the Director, prior to the surfacing of such street, alley or pedestrian way. Service connections for all underground utilities and sewers shall be laid to such length as will in the Director's opinion obviate disturbing the street, alley or pedestrian way improvements when service connections are completed to properties in the subdivision.

SEC. 1448. FAILURE TO COMPLETE IMPROVEMENTS WITHIN AGREED TIME.

The Improvement Agreement shall include provisions consistent with the Plans and Plan Documents and this Code regarding extensions of time and remedies when improvements are not completed within the agreed time.

SEC. 1449. INSPECTION AND TESTING FEES.

(a) The actual costs of inspecting the construction of improvements under Section 1457(b) of this Code shall be paid by the Subdivider.

(b) The actual costs of testing the materials incorporated in the improvements under Section 1457(b) of this Code shall be paid by the Subdivider.

SEC. 1449.1. REVISION TO APPROVED PLANS.

(a) Requests by the Subdivider for revisions to the approved Improvement Plans shall be submitted in writing to the Director and shall be accompanied by drawings showing the proposed revision. If the revision is acceptable to the Director and the Agency and consistent with the Plans, Plan Documents and Tentative Map, the Director shall initial the revised plans. Construction of any proposed revision shall not commence until revised plans have been received and approved by the Director.

[SEC. 1450. INTENTIONALLY LEFT BLANK.]

SEC. 1451. IMPROVEMENT AGREEMENT.

(a) General. This section shall only apply to public improvements that have not been completed or conditions that have not been fulfilled prior to filing a Parcel or Final Map. An agreement (the "Improvement Agreement") shall be prepared by the Director and the City Attorney, approved as to form by the City Attorney, and executed by the Director on behalf of the City. The Improvement Agreement shall be consistent with the Plans and Plan Documents and shall provide for:

(1) Construction of all public improvements required pursuant to the Plans, Plan Documents, this Code, the Mission Bay Subdivision Regulations, and conditions imposed on the Tentative Map consistent therewith, including any required off-site improvements, within the time specified by Section 1451.1.

(2) Satisfaction of conditions precedent to the transfer of title to the City of all land and improvements required to be dedicated to or acquired by the City, if the City elects to defer transfer of title until after the public improvements have been completed consistent with the Plans and Plan Documents, including any Approved Title Exceptions as defined therein, which are or shall be specified herein.

(3) Payment of inspection fees in accordance with applicable City Regulations, consistent with the Plans and Plan Documents.

(4) Improvement security as required by Section 1470.

(5) Maintenance and repair of any defects or failures of the required public improvements, and to the extent feasible removing their causes, prior to acceptance of the public improvements by the City.

(6) Release and indemnification of the City from all liability incurred in connection with the construction of public improvements and payment of all reasonable attorneys' fees that the City may incur because of any legal action or other proceeding arising from the construction, except release and indemnification disallowed under the SMA or any other state or federal law pursuant to the procedures provided in the SMA.

(7) Payment by Subdivider of all costs and reasonable expenses and fees, including attorneys' fees, incurred in enforcing the obligations of the Improvement Agreement.

(8) Any other deposits, reimbursements, fees or conditions as required by City Regulations consistent with Plans and Plan Documents and as may be required by the Director.

(9) Any other provisions required by the City as reasonably necessary to effectuate the purposes and provisions of the SMA and this Code in accordance with the Plans and Plan Documents.

(b) Any Improvement Agreement, contract or act required or authorized by the SMA or this chapter for which security is required, shall be secured in accordance with Section 66499 et seq. of the SMA and Article 8 of this Code.

SEC. 1451.1. COMPLETION OF IMPROVEMENTS.

(a) The public improvements for subdivisions of five (5) or more parcels which are not otherwise required to be completed prior to recordation of a Final Map, shall be completed by the Subdivider within the time specified in an Improvement Agreement which is consistent with the Plans and Plan Documents.

(b) The completion of public improvements for subdivisions of four (4) or fewer parcels and for financing and conveyancing maps which are not otherwise required to be completed prior to recordation of a Parcel Map or Final Map may be deferred until a permit or other grant of approval for the development of any parcel within the subdivision is applied for, unless the completion of the public improvements is found to be necessary for public health or safety or for the orderly development of the surrounding area, in which case the Improvement Agreement shall specify a time for completion. If any required public improvements are not completed at the time of recordation of a Parcel Map or Final Map for four (4) or fewer parcels, an Improvement Agreement is required pursuant to Section 1451. This finding shall be made by the Director, after consultation with appropriate City Agencies. The specified date for completion of the public improvements, when required, shall be stated in the Improvement Agreement. Public improvements shall be completed in accordance with the Improvement Agreement.

(c) Completion dates may be extended by the Director according to the following procedures:

(1) The Subdivider must request an extension in writing, stating adequate evidence to justify the extension, by letter to the Director. The request shall be made not less than thirty (30) days prior to expiration of the Improvement Agreement. The Director may grant such extensions, subject to the terms of the Improvement Agreement.

(2) The Director may condition approval of an extension agreement upon the following:

(i) Revised improvement construction estimates to reflect current improvement costs as approved by the Director;

(ii) Increase of improvement securities in accordance with revised construction estimates;

(iii) Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund; and

(iv) Conditions which the Director deems necessary to assure the timely completion of public improvements.

(3) If authorized by the Director, the Subdivider shall enter into an Improvement Agreement extension ("Extension Agreement") with the City. The Extension Agreement shall be prepared by the Director and the City Attorney, and executed by the Director, the Subdivider and surety bank or financial institution, if applicable, providing security required by the Improvement Agreement.

(4) The costs incurred by the City in reviewing and processing the Extension Agreement shall be paid by the Subdivider at actual cost.

(d) Should the Subdivider fail to complete the public improvements within the specified time, or correct all deficiencies within twelve (12) months following the time specified

for completion, the City may, by resolution of the Board of Supervisors and at its option, cause any or all uncompleted public improvements to be completed and all uncorrected deficiencies to be corrected, and the parties executing the security or securities shall be firmly bound for the payment of all necessary costs.

(e) As-Built Plans. Upon completion of the public improvements, the Subdivider shall submit to the Director a reproducible set of as-built Improvement Plans.

SEC. 1451.2. ACCEPTANCE OF IMPROVEMENTS.

(a) General. With respect to all subdivisions, when any deficiencies in the required public improvements have been corrected and as-built Improvement Plans submitted, the completed public improvements shall be considered by the Director for acceptance.

(b) Acceptance. If the public improvements have been completed to the satisfaction of the Director, the Director shall provide the Board of Supervisors with a written certificate to that effect, and the public improvements may be accepted by the Board of Supervisors, by ordinance, subject to the provisions of San Francisco Administrative Code 1.52. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

[Sec. 1452 - 1454. INTENTIONALLY LEFT BLANK.]

ARTICLE 7

FINAL MAPS AND PARCEL MAPS

Sec. 1455. Time Limit for Submittal.
Sec. 1456. Final Map.
Sec. 1457. Certificates and Statements on Final Map.
Sec. 1459. Parcel Map.
Sec. 1460. Check Prints
Sec. 1461. Map Check.

Sec. 1462. Filing.

Sec. 1463. Submittal to Board.

Sec. 1464. Recordation.

Sec. 1465. Correction and Amendments of Map.

SEC. 1455. TIME LIMIT FOR SUBMITTAL.

Within thirty-six (36) months after the approval of the Tentative Map application or preliminary Parcel Map application, unless such time has been extended upon approval of the Tentative Map or pursuant to Government Code Section 66452.6, the Final Map or Parcel Map shall be filed with the Director.

[SEC. 1455.1. INTENTIONALLY LEFT BLANK.]

SEC. 1455.2 FINAL MAPS SHOWING ONLY PORTIONS OF TENTATIVE MAP.

(a) General. Multiple final maps relating to an approved or conditionally approved Tentative Map may be filed prior to the expiration of the Tentative Map if, in addition to all other requirements of this Code pertaining to Final Maps, a Subdivider files a notice pursuant to Section 1422(d)(1)(vi) or, after filing of the Tentative Map, the Subdivider and Director (after consulting with the Agency) concur in the filing of multiple Final Maps. A Subdivider filing multiple Final Maps must obtain approval of the Director pursuant to Subsection (b) of this Section in order to obtain the certificate required by Section 1457.

(b) The Director shall approve a Final Map which is in compliance with the conditions of the Tentative Map, but which shows only a portion of the Tentative Map, unless any one of the following conditions occurs:

(1) The Director finds:

(i) that it will not be feasible from an engineering standpoint to construct the public improvements required for the areas shown on the Final Map; or

(ii) that construction of the public improvements shown in the proposed Final Map would not provide adequate access to the area shown on the Final Map unless additional street or easement dedications, or public improvements as shown on the General Plan or in the Plans or Plan Documents, are provided, or other reasonable conditions, not in conflict with the Plans, Plan Documents and City Regulations, are imposed.

(2) The Director, or in the event of a hearing by the Agency pursuant to subsection (d) below, the Agency finds that development of the uses authorized within the Final Map area at that time would not promote orderly development consistent with the General Plan, Plans and Plan Documents unless additional street or easement dedications, or public improvements as shown on the Tentative Map are provided, or other reasonable conditions, not in conflict with the Plans, Plan Documents and the City Regulations, are imposed.

(c) The Director shall make a determination pursuant to subsection (b) within forty (40) days following submittal of the Final Map or Parcel Map.

(d) If the Director refuses to approve for recording a Final Map showing only a portion of a Tentative Map, the Director shall provide the applicant with written findings in support of the determination. The Director's refusal to approve a phased Final Map may be appealed to the Agency, and then, if necessary, to the Board, for a determination of whether the Phased Final Map is consistent with the SMA, the Tentative Map, the Plans and Plan Documents, provided, however, that any decision by the Agency regarding consistency with the Plans shall be final.

SEC. 1456. FINAL MAP.

(a) The Final Map shall consist of the Title Sheets and Map Sheets.

(b) The Title Sheets shall contain the following data:

(1) The title, consisting of the name of the subdivision and the location;

(2) A general description of all the property being subdivided by references to recorded deeds or to recorded maps;

(3) Certificates, affidavits and acknowledgements; and

(4) General information including a key map when there is more than one Map Sheet.

(c) The Map Sheets shall contain the following data, in sufficient detail so that the sale, transfer and description of real property may be accomplished by reference to the Final Map and that all public improvements, properties and easements may be determined as to location, extent and condition:

(1) Title;

(2) Explanatory and Description Notes; and

(3) Map.

(d) The Final Map shall conform to the requirements of Chapter 2, Article 2 of SMA and to the Subdivision Regulations regarding detailed format and contents.

SEC. 1457. CERTIFICATES AND STATEMENTS ON FINAL MAP.

(a) In addition to the certificates required by SMA, the following certificates shall be on the Final Map.

(1) City Attorney's Certificate;

(2) Advisory Agency's Certificate;

(3) Certificate of Improvement Agreement. Whenever the conditional approval of the Application Packet includes conditions which are to be met after the recordation of the Final Map, a certificate signed by the Director evidencing that an Improvement Agreement has been entered into between the Subdivider and the City shall be required; and

(4) Certificate of Approval of Multiple Final Maps. Where the Final Map shows only a portion of the Tentative Map, then a certificate signed by the Director pursuant to Section 1455.2 shall be required.

(b) The Director may require other notes, restrictions, references or requirements to be indicated on a Final Map.

SEC. 1459. PARCEL MAP.

(a) The requirements of Subsection (c) of Section 1456 of this Code shall apply to Parcel Maps.

(b) The Parcel Map shall conform to the requirements of Chapter 2, Article 3 of SMA and to the Subdivision Regulations regarding detailed format and contents.

(c) The Director may require other notes, restrictions, references or requirements to be indicated on a Parcel Map.

SEC. 1460. CHECK PRINTS.

(a) Prior to filing of the Final Map or Parcel Map, the Subdivider shall submit to the Director:

(1) Prints of the Final Map sheets or the Parcel Map sheets;

(2) A preliminary title report;

(3) Traverse sheets, showing the mathematical closure of the exterior boundaries around the subdivision, of each lot boundary in the subdivision, and of boundaries of easements and of dedicated rights-of-way.

SEC. 1461. MAP CHECK.

(a) The Director shall check the prints of the Final Map or the Parcel Map to determine if it substantially conforms to the approved Tentative Map, this Code and SMA.

(b) Within fourteen (14) days after submittal, the Director shall return a set of the submitted prints, noting therein any required corrections, to the Subdivider's engineer.

SEC. 1462. FILING.

(a) After the check prints have been approved by the Director, the Subdivider shall file with the Director:

(1) The Final Map or Parcel Map, corrected to its final form, together with the copies specified in the Subdivision Regulations;

(2) The bonds or other security and approved Improvement Agreement;

(3) When applicable, deeds conveying all streets in the subdivision to the City and deeds granting easements for sewers, drains and pedestrian walkways which are not dedicated on the Map;

(4) Evidence of title;

(5) The recording fee and evidence that all fees required by this Code have been paid; and

(6) The corrected Preliminary Soil Report, when required.

SEC. 1463. SUBMITTAL TO BOARD.

(a) After obtaining the required certificates on the Final Map, or on the Parcel Map when dedications are included therein, the Director shall submit said Map and the other documents to the Director.

(b) After determining that all requirements of SMA and this Code have been met, the Director shall endorse the map and file the same, together with the other documents, with the Clerk.

SEC. 1464. RECORDATION.

(a) After approval of a Final Map or Parcel Map by the Board, the Clerk shall file said Map with the Recorder.

(b) After signing a Parcel Map, when no dedications are included therein, the Director shall file said Map with the Recorder.

(c) No Final Map or Parcel Map for a subdivision governed by this Code shall be recorded unless said Map has been approved by the Director or by the Board as required herein.

SEC. 1465. CORRECTION AND AMENDMENTS OF MAP.

(a) Requirements. After a Final or Parcel Map is recorded in the office of the Recorder, it may be amended administratively, without public hearing, by a Certificate of Correction as to Subparagraphs (1) to (6) below, and by an Amending Map and public hearing as to Subparagraph (7) below:

(1) To correct an error in any course or distance shown thereon;

(2) To show any course or distance that was omitted therefrom;

(3) To correct an error in the description of the real property shown on the Map;

(4) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments; or

(5) To show the proper location or character of any monument which has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character.

(6) To correct any other type of map error or omission as approved by the Director, which does not affect any property right. Errors and omissions may include, but not be limited to, lots and numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the Final or Parcel Map.

(7) To make modifications when there are changes which make any or all of the conditions of the Map no longer appropriate or necessary and when the modifications do not impose any additional burden on the present fee owner of the property, and if the

modifications do not alter any right, title or interest in the real property reflected on the recorded Map, and the Director finds that the Map as modified conforms to the provisions of Section 66474 of the SMA. Such modification shall require an Amending Map and shall be set for public hearing by the Director according to the procedures established for a hearing on the Tentative Map. The Director shall confine the hearing to consideration of, and action on, the proposed modification.

(b) Form and contents. The Amending Map or Certificate of Correction shall be prepared and stamped by a registered civil engineer or licensed land surveyor. The form and contents of the Amending Map shall conform to the requirements for a Final Map, or a Parcel Map as provided in this Code and the SMA. The Certificate of Corrections shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

(c) Submittal and approval by Director. The Amending Map or Certificate of Correction, complete as to final form, shall be submitted to the Director for review and approval. The Director shall examine the Amending Map or Certificate of Correction, and if the only changes made are those in Subsection (a), this fact shall be certified on the Amending Map or Certificate of Correction.

(d) Filing with Recorder. The Amending Map or Certificate of Correction certified by the Director shall be filed in the office of the Recorder in which the original map was filed. Upon such filing, the Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. The original map shall be deemed to have been conclusively so corrected, and shall impart constructive notice of all the corrections in the same manner as though upon the original map.

(e) Fee. The fee for checking, processing and recording the amended map or Certificate of Correction shall be as provided in Section 1415.

ARTICLE 8

SECURITY, BONDS, TAXES

Sec. 1470. Security for Improvements.
Sec. 1471. Monument Bonds.
Sec. 1472. Payment of Taxes and Liens

SEC. 1470. SECURITY FOR IMPROVEMENTS.

(a) The requirements of this section apply to all Improvement Agreements.

(b) No Final Map or Parcel Map shall be signed by the Director or recorded until all improvement securities required by this Article in the form prescribed by the City pursuant to Government Code Section 66499 et seq., have been received and approved.

(c) A performance bond or other acceptable security as provided in Section 66499 of the Government Code in the amount of one hundred percent (100%) of the estimated cost of completion of the construction, as determined by the Director, or installation of all public improvements, as determined by the Director, shall be required of all subdivisions to secure satisfactory performance of those obligations. As a guarantee of payment for the labor, materials, equipment and services required, a payment bond or other acceptable security shall be required for 50% of the estimated cost of completion of unfinished public improvements as determined by the Director. For purposes of the preceding sentences, the "estimated cost of completion" shall include all costs of remediating any hazardous materials as necessary to permit completion of the required public improvements, unless those costs are otherwise secured as provided in the Plans and Plan Documents.

(d) The security shall be released or reduced upon completion of construction as follows:

(1) The security shall be reduced to ten percent (10%) of the original amount for the purpose of guaranteeing repair of any defect in the improvements which occurs within one year of when: (i) the public improvements have been completed to the satisfaction of the Director; and (ii) the Clerk of the Board of Supervisors certifies that no claims by any contractor, subcontractor or person furnishing labor, materials or equipment for the required public improvements have been filed against the City prior to or within a one hundred (100)-day period following completion of the public improvements.

(2) If any claims by any contractor, subcontractor or person furnishing labor, materials or equipment to the Subdivider have been filed against the City, then the performance security shall only be reduced to an amount equal to the amount of all such claims filed or to 10% of the original amount whichever is greater.

(3) The security may be reduced in conjunction with completion of a portion of the public improvements to the satisfaction of the Director, to an amount determined by the Director; however, in no event shall the amount of the security be reduced below the greater of (i) the amount required to guarantee the completion of the remaining portion of public improvements and any other obligation imposed by the SMA, this Code or the Improvement Agreement; or (ii) below ten percent (10%) of the original amount of the security.

(4) The security shall be released when all of the following have occurred:

(i) one (1) year has passed since the date of acceptance by the Board of Supervisors, or one (1) year has passed since the date that all deficiencies which the Director identifies in the required public improvements have been corrected or waived in writing; and

(ii) if any claims identified in subsection (d)(l)(ii) have been filed against the City, all such claims have been satisfied or withdrawn, or otherwise secured.

SEC. 1471. MONUMENT BONDS.

As a guarantee of good faith to furnish and install the required survey monuments and to pay the Subdivider's engineer or surveyor for said work, the Subdivider shall furnish a corporate surety bond or other acceptable security for an amount equal to one hundred percent (100%) of the estimated cost of such work. Such work shall consist of satisfactorily furnishing and installing the said survey monuments and of accurately fixing exact survey points thereon.

SEC. 1472. PAYMENT OF TAXES AND LIENS.

Prior to recordation of a Final Map or Parcel Map, the Subdivider shall comply with all applicable provisions governing taxes and assessments as set forth in Sections 66492, 66493 and 66494 of the SMA and any amendments thereto.

ARTICLE 10

CONSISTENCY WITH STATE LAW

SEC. 1498. SUBDIVISION MAP ACT PROVISIONS.

If any Article, Section, Subsection, paragraph, sentence, clause, or provision of this Code is ruled invalid due to an inconsistency with provisions of the Subdivision Map Act of the State of California as a result of passage of any Senate or Assembly bills amending said Act, such said Article, Section, Subsection, paragraph, sentence, clause, or provision shall be deemed to have been amended to comply with said Act. Notwithstanding the above, such amendment or amendments shall not in any way invalidate or change any other portion of this Code except as required by law.

ARTICLE 11

REVERSION TO ACREAGE

Sec. 1500 General.
Sec. 1501 Initiation of Proceedings.

Sec. 1502 Contents of Petition.

Sec. 1503 Submittal of Petition to the Director.

Sec. 1504 Board of Supervisors Approval.

Sec. 1505 Filing with County Recorder.

SEC. 1500. General.

Subdivided property may be reverted to acreage pursuant to the provisions of the SMA and this Article. This Article shall apply to Final Maps and Parcel Maps. Subdivisions may also be merged and resubdivided without reverting to acreage pursuant to Section 66499.20 ½ of the Subdivision Map Act and this Chapter.

SEC. 1501. INITIATION OF PROCEEDINGS.

(a) Proceedings to revert subdivided property to acreage may be initiated by the Board or by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Director. The petition shall contain the information required by Section 1502 and any other information as required by the Director.

(b) The Board of Supervisors, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The Board shall request the Department to obtain the necessary information to initiate and conduct the proceedings.

SEC. 1502. CONTENTS OF PETITION.

The petition shall contain, but not be limited to, the following:

(a) Evidence of title to the real property.

(b) Evidence of the consent of all of the owners of an interest in the property.

(c) Evidence that none of the improvements required to be made have been made within two (2) years after the date the Final or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.

(d) Evidence that no lots shown on the Final or Parcel Map have been sold within five (5) years after the date such Final or Parcel Map was filed for record.

(e) A Final or Parcel Map in the form, and with the contents, prescribed by Sections 1455-1464 which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or Parcel Maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."

(f) Fees and/or deposits in accordance with Section 1415.

(g) Any other information required by the SMA or necessary to make the findings required by the SMA.

SEC. 1503. SUBMITTAL OF PETITION TO THE DIRECTOR.

The Final or Parcel Map for the reversion, together with all other data as required by this article, shall be submitted to the Director for review.

Upon finding that the petition meets with all the requirements of the SMA or this chapter, the Director shall submit the Final or Parcel Map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the Board of Supervisors for its consideration.

SEC. 1504. BOARD OF SUPERVISORS APPROVAL.

A public hearing shall be held by the Board of Supervisors on all proposed reversions to acreage. Notice of the public hearing shall be given by the Director as provided in this Code. The Director may give such other notice that the Director deems necessary or advisable.

The Board of Supervisors may approve a reversion to acreage only if it finds and records by resolution that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion; or

(2) None of the public improvements required to be made have been made within two (2) years from the date the Final or Parcel Map was filed for record, or within the time allowed by agreement for completion of the public improvements, whichever is later; or

(3) No lots shown on the Final or Parcel Map have been sold within five (5) years from the date such Map was filed for record.

The Board of Supervisors may require as conditions of the reversion:

(c) That the owners dedicate or offer to dedicate streets, public rights-of-way or easements.

(d) Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this chapter or necessary to protect the public health, safety or welfare.

SEC. 1505. FILING WITH COUNTY RECORDER.

Upon approval of the reversion to acreage, the Clerk of the Board of Supervisors shall transmit the Final or Parcel Map, together with the Board of Supervisors resolution approving the reversion, to the Recorder for recordation. Reversion shall be effective upon the Final Map being filed for record by the Recorder. Upon filing, all dedications and offers of dedication not shown on the Final or Parcel Map for reversion shall be of no further force and effect.

Section 2. Findings.

The Board of Supervisors finds that this ordinance is in conformity with the priority policies of Section 101.1(b) of the Planning Code and with the General Plan and hereby

adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 14699, and incorporates said findings by this reference thereto.

On September 17, 1998 by Motion No. 14696, the Planning Commission certified the Final Subsequent Environmental Impact Report as adequate and complete.

In Motion No. M98-132 this Board of Supervisors affirmed the Planning Commission's certification of the Final Subsequent Environmental Impact Report as adequate and complete.

In Resolution No. 854-98, this Board of Supervisors adopted findings in connection with its consideration of these Subdivision Code Amendments under the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, and adopted a mitigation monitoring program, which findings and program are hereby incorporated by reference as if fully set forth herein.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: K H Stacy

Kate H. Stacy
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981431 **Date Passed:**

Ordinance amending Subdivision Code by adding the Mission Bay Subdivision Code to provide for processing of subdivision and parcel maps in the Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, and adopting findings pursuant to Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981431

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981431 continued...

DEC 1 7 1998

FILE NO. 98-1435 ORDINANCE NO. 330-98

[Mission Bay City Land Transfer Agreement]

APPROVING AND AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE MISSION BAY CITY LAND TRANSFER AGREEMENT BETWEEN THE CITY AND COUNTY, INCLUDING ITS PORT COMMISSION, AND CATELLUS DEVELOPMENT CORPORATION; APPROVING AND AUTHORIZING THE CATELLUS LEASE AND THE AGENCY LEASE IN CONNECTION THEREWITH; APPROVING INDEMNITIES AND RELEASES BY THE CITY IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY SUCH DOCUMENTS; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING FINDINGS THAT SUCH AGREEMENT IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares that:

A. Pursuant to Board of Supervisors Ordinance Nos. 52-92 and 53-92 and companion Resolution Nos. 116-92 and No. 117-92, the City, including the City through its Port Commission (the "Port"), entered into that certain Mission Bay Port Land Transfer Agreement dated as of September 8, 1993 (the "PLTA") with Catellus Development Corporation ("Catellus") and into that certain Mission Bay City Land Transfer Agreement dated as of September 8, 1993 (the "CLTA") with Catellus, pertaining to the transfer and exchange of land between the City, including the Port, and Catellus.

B. Pursuant to Board of Supervisors Ordinance No. 52-92 and companion Resolution No. 119-92, the City, including its Port, entered into that certain Agreement Concerning the Public Trust dated as of September 8, 1993 (the "ACPT") with Catellus and the State of California, pertaining to the exchange of certain public trust and Burton Act trust

interests as required in order to effectuate the land transfers contemplated by the CLTA and the PLTA.

C. The main purposes of the CLTA, PLTA and ACPT (including as they are proposed to be amended) are to settle title disputes among the parties, to convert the existing fragmented system of present and former City street areas into an assemblage of developable parcels and to provide the public with enhanced access to the waterfront.

D. In May 1997, The Regents of the University of California ("The Regents") approved Mission Bay as the location for a major new campus of the University of California at San Francisco (the "UCSF Campus"). At the University's request, Catellus, which is the principal landowner in Mission Bay, and the City have offered to donate to The Regents, at no transfer price, a total of approximately 43 acres of land in Mission Bay, which will enable The Regents to develop the UCSF Campus.

E. Pursuant to companion Board of Supervisors Ordinance Nos. 331-98 and 330-98, the City, including its Port, intends to enter into amendments and restatements of the PLTA (the "Amended PLTA") with Catellus and the Agreement Concerning the Public Trust (the "Amended ACPT") with Catellus and the State of California that will accommodate the donation of land to The Regents necessary for the development of the UCSF Campus, redesignate the parcels to be transferred under those agreements and make other modifications to the PLTA and the ACPT. Copies of the Amended PLTA and the Amended ACPT are on file with Clerk of the Board of Supervisors under File Nos. 98-1435 and 98-1435, respectively.

F. Pursuant to Resolution Nos. 185-98 and 186-98, the Board of Supervisors has approved the donation by the City, including its Port, to The Regents of approximately 1.34 acres of present and former City street areas within the UCSF Campus, to enable The Regents to expand UCSF's facilities on an approximately 4.98 acre site known as Block 24,

which is comprised of the City street areas and certain adjoining land to be contributed by Catellus to The Regents. Pursuant to Board of Supervisors Resolution No. 881-98, the City intends to enter into an Agreement for Donation of Real Property (the "City Donation Agreement") with The Regents, whereby the City will donate a total of approximately 11.89 acres of land in Mission Bay South (in addition to the approximately 1.34 acres of land referred to above) as described therein (the "City Donation Property"), to be developed for university purposes. A copy of the City Donation Agreement is on file with the Clerk of the Board of Supervisors under File No. 98-1435.

G. By Ordinance No. 327-98, adopted on October 30, 1998, the Board of Supervisors approved a Redevelopment Plan for the Mission Bay North Redevelopment Project, and by Ordinance No. 335-98, adopted on November 2, 1998, the Board of Supervisors also approved a Redevelopment Plan for the Mission Bay South Redevelopment Project.

H. Consistent with the donation of the City Donation Property for the UCSF Campus and with the objectives of the Mission Bay North and South Redevelopment Plans, the CLTA is proposed to be amended to redesignate a number of the City Transfer Parcels, to make other modifications to the CLTA and to amend and restate the CLTA (the "Amended CLTA"). A copy of the proposed Amended CLTA is on file with the Clerk of the Board of Supervisors in File No. 98-1435.

I. The Amended CLTA sets forth the terms and conditions under which the City will convey to Catellus the "City Transfer Parcels" and Catellus will convey to the City the "Catellus Transfer Parcels," as such property is described therein.

J. The Amended CLTA provides for a lease back of the City Transfer Parcels outside of Port jurisdiction and other property of the City adjacent thereto and the lease of certain Port property to Catellus for interim use until such time as such parcels are required

for the development of open space and streets under the applicable Redevelopment Plan and its related documents, on the terms described in the Catellus Lease attached to the Amended CLTA. The Amended CLTA further provides for a lease by the City to the Redevelopment Agency of the City and County of San Francisco for the construction, operation and maintenance of open space on the City Transfer Parcels (and other parcels) upon termination of the Catellus Lease, subject to the terms described in the term sheet for the Agency Lease attached to the Amended PLTA.

K. The land transfers and other agreements set forth in the Amended CLTA are a necessary pre-condition to the development of Mission Bay in accordance with the Mission Bay North and South Redevelopment Plans.

L. An independent appraisal of the City Transfer Parcels and the Catellus Transfer Parcels has been prepared for and reviewed by the City's Director of Property, and the Director of Property has determined that the value of the lands and interests in lands which the City will receive pursuant to the Amended CLTA is greater than the value of the lands or interests in lands to be relinquished by the City pursuant to the Amended CLTA, as set forth in the letter from the Director of Property on file with the Clerk of the Board of Supervisors in File No. 98-1435.

M. By Port Commission Resolution Nos. 98-92, 98-90, and 98-91, adopted on September 22, 1998, the San Francisco Port Commission approved the Amended ACPT, the Amended CLTA and the Amended PLTA and recommended approval of such agreements by this Board.

N. On September 17, 1998, the City Planning Commission, by Motion No. 14696, and the Redevelopment Agency Commission, by Resolution No. 182-96, certified the Final Subsequent Environmental Impact Report for the Mission Bay Project ("Final SEIR") as accurate, adequate and objective and in compliance

with the California Environmental Quality Act ("CEQA"), which certification was affirmed by the Board of Supervisors by Motion No. M98-132. This Board of Supervisors has reviewed and considered the information contained in the Final SEIR. For purposes of compliance with CEQA, the Amended CLTA is part of the Mission Bay project examined in the Final SEIR for which the Board of Supervisors, by Resolution No. 854-98, has adopted findings with respect to the Final SEIR as required by CEQA, which findings are on file with the Clerk of the Board of Supervisors under File No. 98-1427, and which findings are incorporated herein by this reference. The Board of Supervisors hereby adopts and incorporates the findings under CEQA contained in such resolution by reference as though such findings were fully set forth in this Ordinance.

O. By Planning Commission Resolution No. 14699, adopted on September 17, 1998, the Planning Commission found that the Amended CLTA is consistent with the General Plan, as amended, and with the eight Priority Policies of City Planning Code Section 101.1, and a copy of such resolution is on file with the Clerk of the Board of Supervisors in File No. 98-1435. The Board of Supervisors hereby finds that the Amended CLTA is consistent with the General Plan, as amended, and is consistent with the eight Priority Policies of Planning Code Section 101.1 for the same reasons as set forth in the City Planning Commission's Resolution No. 14699 referred to above, and hereby incorporates such findings by reference as though fully set forth in this Ordinance.

P. The public interest and necessity require and are not inconvenienced by the conveyance of the City Transfer Parcels as contemplated by the Amended CLTA and the value of the Catellus Transfer Parcels that the City will acquire or receive is greater than the value of the City Transfer Parcels that it will convey.

Section 2. In accordance with the recommendation of the Director of Property, and the recommendation of the San Francisco Port Commission set forth in its Resolution

No. 14699, adopted on September 17, 1998, the Board of Supervisors approves the Amended CLTA and the conveyances of real property and transactions contemplated thereby, including the Catellus Lease described in an exhibit thereto and the Agency Lease to be consistent with the term sheet attached to the Amended PLTA.

Section 3. The Board of Supervisors approves the releases and indemnities by the City with respect to hazardous substances and other matters, as contained in the Amended CLTA, including the Catellus Lease and the Agency Lease as contemplated in the Term Sheet for the Agency Lease attached to the Amended PLTA.

Section 4. The Board of Supervisors authorizes the Mayor, the Director of Property and the Executive Director of the Port, to execute on behalf of the City and County of San Francisco the Amended CLTA, including the Catellus Lease and the Agency Lease on terms consistent with the term sheet attached to the Amended PLTA, including any additions or modifications thereto (including the attachment of exhibits) that the Mayor, the Director of Property and the Executive Director of the Port, in consultation with the City Attorney, determine are in the best interests of the City and are necessary or advisable to complete the transactions contemplated in the Amended CLTA (including the Catellus Lease and the Agency Lease on terms consistent with the term sheet attached to the Amended PLTA), and do not materially increase the obligations or liabilities of the City, will not have any material adverse fiscal impact on the City or materially diminish the rights of or benefits to the City, and are necessary or advisable to complete the transactions contemplated by the Amended CLTA and effectuate the purposes and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by the Mayor, Director of Property and Executive Director of the Port of the Amended CLTA and any amendments thereto.

Section 5. The Board of Supervisors hereby authorizes the Director of Property to accept on behalf of the City, the deeds to the Catellus Transfer Parcels, subject to the terms

and conditions set forth in the Amended CLTA and such non-material modifications to the deeds as may hereafter be agreed upon by the City and Catellus, subject to the limitations in Section 4 of this Ordinance.

Section 6. The Board of Supervisors hereby authorizes and urges the Mayor, the Director of Property and the Executive Director of the Port, and to the extent necessary, the Clerk of the Board of Supervisors or any other City officer, to take any and all actions, including executing on behalf of the City any memoranda approving the form of exhibits to the Amended CLTA (including the Catellus Lease and the Agency Lease on terms consistent with the term sheet attached to the Amended PLTA) including exhibits thereto, any amendments to the Catellus Lease to add lands thereto in accordance with the terms and conditions of the Amended CLTA and Amended PLTA, or any escrow instructions, closing or similar documents and any contracts, agreements, memoranda or similar documents with State, regional and local entities, that are necessary or proper to consummate the Amended CLTA (including the Catellus Lease and the Agency Lease on terms consistent with the term sheet attached to the Amended PLTA) in accordance with this Ordinance, or to otherwise effectuate the purposes and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by such person or persons of any such documents.

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Section 7. The approval under this Ordinance shall take effect upon the effective date of the amendments to the General Plan approved under Board of Supervisors Ordinance No. 324-98, adopted on October 30, 1998.

RECOMMENDED:

Steven D. Nelson
Director of Administrative Services

Anthony J. DeLucchi
Director of Property

Douglas F. Wong
Executive Director
Port of San Francisco

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By
Jesse Capin Smith
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981435 **Date Passed:**

Ordinance approving and authorizing the amendment and restatement of the Mission Bay land transfer agreement between the City and County, including its Port Commission, and Catellus Development Corporation; approving and authorizing the Catellus lease in connection therewith; approving indemnities and releases by the City in connection with the transactions contemplated by such documents; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight priority policies of the Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981435

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981435 continued...

FILE NO. 98-1436 ORDINANCE NO. 331-98

[Mission Bay Port Land Transfer Agreement]

APPROVING AND AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE MISSION BAY PORT LAND TRANSFER AGREEMENT BETWEEN THE CITY AND COUNTY, THROUGH ITS PORT COMMISSION, AND CATELLUS DEVELOPMENT CORPORATION; APPROVING THE AGENCY LEASE AND THE CATELLUS LEASE IN CONNECTION THEREWITH; APPROVING INDEMNITIES AND RELEASES BY THE CITY IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY SUCH DOCUMENTS; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING FINDINGS THAT SUCH AGREEMENT IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares that:

A. Pursuant to Board of Supervisors Ordinance Nos. 52-92 and 53-92 and companion Resolution Nos. 116-92 and No. 117-92, the City, including through its Port Commission (the "Port"), entered into that certain Mission Bay Port Land Transfer Agreement dated as of September 8, 1993 (the "PLTA") with Catellus Development Corporation ("Catellus") and into that certain Mission Bay City Land Transfer Agreement dated as of September 8, 1993 (the "CLTA") with Catellus, pertaining to the transfer and exchange of land between the City, including the Port, and Catellus.

B. Pursuant to Board of Supervisors Ordinance No. 52-92 and companion Resolution No. 119-92, the City, including the Port, entered into that certain Agreement Concerning the Public Trust dated as of September 8, 1993 (the "ACPT") with Catellus and the State of California, pertaining to the exchange of certain public trust and Burton Act trust

interests as required in order to effectuate the land transfers contemplated by the CLTA and the PLTA.

C. The main purposes of the CLTA, PLTA and ACPT (including as they are proposed to be amended) are to settle title disputes among the parties, to convert the existing fragmented system of present and former City street areas into an assemblage of developable parcels and to provide the public with enhanced access to the waterfront.

D. In May 1997, The Regents of the University of California ("The Regents") approved Mission Bay as the location for a major new campus of the University of California at San Francisco (the "UCSF Campus"). At the University's request, Catellus, which is the principal landowner in Mission Bay, and the City have offered to donate to The Regents at no transfer price a total of approximately 43 acres of land located in Mission Bay, which will enable The Regents to develop the UCSF Campus.

E. Pursuant to companion Board of Supervisors Ordinance Nos. 330-98 and 332-98, adopted on October 30, 1998, the City, including its Port, intends to enter into amendments and restatements of the CLTA with Catellus (the "Amended CLTA") and the Agreement Concerning the Public Trust with Catellus and the State of California (the "Amended ACPT") that will accommodate the donation of land to The Regents necessary for the development of the UCSF Campus, redesignate the parcels to be transferred under those agreements and make other modifications to the CLTA and the ACPT. Copies of the Amended CLTA and the Amended ACPT are on file with Clerk of the Board of Supervisors under File Nos. 98-1435 and 98-1435, respectively.

F. Pursuant to Resolution Nos. 185-98 and 186-98, the Board of Supervisors has approved the donation by the City to The Regents of approximately 1.34 acres of present and former City street areas within the UCSF Campus, to enable The Regents to expand UCSF's facilities on an approximately 4.98 acre site known as Block 24, which is comprised of the

City street areas and certain adjoining land to be contributed by Catellus to The Regents. Pursuant to Board of Supervisors Resolution No. 881-98, adopted on October 30, 1998, the City intends to enter into an Agreement for Donation of Real Property (the "City Donation Agreement") with The Regents, whereby the City will donate a total of approximately 11.89 acres of land in Mission Bay South (in addition to the approximately 1.34 acres of land parcel referred to above) as described therein (the "City Donation Property"), to be developed for university purposes. A copy of the City Donation Agreement is on file with the Clerk of the Board of Supervisors under File No. 98-1435.

G. By Ordinance No. 327-98, adopted on October 30, 1998, the Board of Supervisors approved a Redevelopment Plan for the Mission Bay North Redevelopment Project, and by Ordinance No. 335-98, adopted on November 2, 1998, the Board of Supervisors also approved a Redevelopment Plan for the Mission Bay South Redevelopment Project.

H. Consistent with the donation of the City Donation Property for the UCSF Campus and with the objectives of the Mission Bay North and South Redevelopment Plans, the PLTA is proposed to be amended to redesignate a number of the Port Transfer Parcels, to make other modifications to the PLTA and to amend and restate the PLTA (the "Amended PLTA"). A copy of the proposed Amended PLTA is on file with the Clerk of the Board of Supervisors in File No. 98-1435.

I. The Amended PLTA sets forth the terms and conditions under which the City, through its Port, will convey to Catellus the "Port Transfer Parcels" and Catellus will convey to the City, through its Port, the "Western Pacific Transfer Parcels" and the "Western Pacific Shoreline," as such property is described therein.

J. The Amended CLTA provides for a lease by the City, including its Port, of certain Port property and certain City property, to Catellus for interim use until such time as

such parcels are required for the development of open space and streets under the applicable Redevelopment Plan and its related documents, on the terms described in the Catellus Lease attached to the Amended CLTA. The Amended PLTA provides for a lease (the "Agency Lease") by the City, including its Port, to the Redevelopment Agency of the City and County of San Francisco for the construction, operation and maintenance of open space on the Agency Leasehold Parcels (as defined in the Amended PLTA) upon prior notice by Catellus, subject to the terms described in the term sheet for the Agency Lease attached to the Amended PLTA. Such property would include the Mission Creek South Park and the Bayfront Park to be constructed by Catellus under the South OPA.

K. The land transfers and other agreements set forth in the Amended PLTA are a necessary pre-condition to the development of Mission Bay in accordance with the Mission Bay North and South Redevelopment Plans.

L. An independent appraisal of the Port Transfer Parcels and the Western Pacific Transfer Parcels and Western Pacific Shoreline has been prepared for and reviewed by the City's Director of Property, and the Director of Property has determined that the value of the lands and interests in lands which the City will receive pursuant to the Amended PLTA is equal to or greater than the value of the lands or interests in lands to be relinquished by the City pursuant to the Amended PLTA, as set forth in the letter from the Director of Property on file with the Clerk of the Board of Supervisors in File No. 98-1435.

M. By Port Commission Resolution Nos. 98-92, 98-90, and 98-91, adopted on September 22, 1998, the San Francisco Port Commission approved the Amended ACPT, the Amended CLTA and the Amended PLTA and recommended approval of such agreements by this Board.

N. On September 17, 1998, the Planning Commission, by Motion No. 14696, and the Redevelopment Agency Commission, by Resolution

No. 182-96, certified the Final Subsequent Environmental Impact Report for the Mission Bay Project ("Final SEIR") as accurate, adequate and objective and in compliance with the California Environmental Quality Act ("CEQA"), which certification was affirmed by the Board of Supervisors by Motion No. M98-132. This Board of Supervisors has reviewed and considered the information contained in the Final SEIR. For purposes of compliance with CEQA, the Amended PLTA is part of the Mission Bay project examined in the Final SEIR for which the Board of Supervisors, by Resolution No. 854-98, has adopted findings with respect to the Final SEIR as required by CEQA, which findings are on file with the Clerk of the Board of Supervisors under File No. 98-1427, and which findings are incorporated herein by this reference. The Board of Supervisors hereby adopts and incorporates the environmental findings under CEQA contained in Resolution No. 854-98 by reference as though such findings were fully set forth in this Ordinance.

O. By Planning Commission Resolution No. 14699, adopted on September 17, 1998, the Planning Commission found that the Amended PLTA is consistent with the General Plan, as amended, and with the eight Priority Policies of City Planning Code Section 101.1, and a copy of such resolution is on file with the Clerk of the Board of Supervisors in File No. 98-1436. The Board of Supervisors hereby finds that the Amended PLTA is consistent with the General Plan, as amended, and with the eight Priority Policies of Planning Code Section 101.1 for the same reasons as set forth in the City Planning Commission's Resolution No. 14699 referred to above, and hereby incorporates such findings by reference as though fully set forth in this Ordinance.

P. The public interest and necessity require and are not inconvenienced by the conveyance of the Port Transfer Parcels as contemplated by the Amended PLTA . The value of the Western Pacific Transfer Parcels and Western Pacific Shoreline that the City, through

its Port, will acquire or receive is equal to or greater than the value of the Port Transfer Parcels that it will convey.

Section 2. In accordance with the recommendation of the Director of Property, and the recommendation of the San Francisco Port Commission set forth in its Resolution No. 98-91, adopted on September 22, 1998, the Board of Supervisors approves the Amended PLTA and the conveyances of real property and transactions contemplated thereby, including the subsequent entry into and performance of the Agency Lease, consistent with the term sheet for the Agency Lease, described in the exhibit thereto, and of the Catellus Lease.

Section 3. The Board of Supervisors approves the releases and indemnities by the City with respect to hazardous substances and other matters pursuant to the Amended PLTA, the Catellus Lease and the Agency Lease as contemplated in the term sheet for the Agency Lease attached to the Amended PLTA.

Section 4. The Board of Supervisors authorizes the Mayor, the Director of Property and the Executive Director of the Port, to execute on behalf of the City and County of San Francisco the Amended PLTA and, in accordance with the Amended PLTA, the Agency Lease and Catellus Lease, including any additions or modifications thereto (including the attachment of exhibits and the approval of the form of the Agency Lease and the Catellus Lease and the addition of lands to the Agency Lease from time to time, as contemplated in the Amended CLTA and Amended PLTA) that the Mayor, the Director of Property and the Executive Director of the Port, in consultation with the City Attorney, determine are in the best interests of the City and are necessary or advisable to complete the transactions contemplated in the Amended PLTA (including the Agency Lease, on terms consistent with the term sheet for the Agency Lease, and the Catellus Lease), and do not materially increase the obligations or liabilities of the City, will not have any material adverse fiscal impact on the

City or materially diminish the rights of or benefits to the City, and are necessary or advisable to complete the transaction contemplated in the Amended PLTA and effectuate the purposes and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by the Mayor, Director of Property and Executive Director of the Port of the Amended PLTA and any amendments thereto.

Section 5. The Board of Supervisors hereby authorizes the Director of Property to accept on behalf of the City, to be held under the jurisdiction of its Port Commission, the deeds to the Western Pacific Transfer Parcels and the Western Pacific Shoreline, subject to the terms and conditions set forth in the Amended PLTA and such non-material modifications to the deeds as may hereafter be agreed upon by the City and Catellus, subject to the limitations in Section 4 of this Ordinance.

Section 6. The Board of Supervisors hereby authorizes and urges the Mayor, the Director of Property and the Executive Director of the Port, and to the extent necessary, the Clerk of the Board of Supervisors or any other City officer, to take any and all actions, including executing on behalf of the City or its Port any memoranda approving the form of exhibits to the Amended PLTA, the form of the Agency Lease or the Catellus Lease or exhibits thereto, any amendments to the Agency Lease to add lands thereto in accordance with the terms and conditions of the Amended CLTA and Amended PLTA, or any escrow instructions, closing or similar documents and any contracts, agreements, memoranda or similar documents with State, regional and local entities, that are necessary or proper to consummate the Amended PLTA (including the Agency Lease and the Catellus Lease), including any evidence of termination of the Port Agreement to License and Option (as described in the Amended PLTA) in accordance with this Ordinance, or to otherwise effectuate the purposes and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by such person or persons of any such documents.

Section 7. The approval under this Ordinance shall take effect upon the effective date of the amendments to the General Plan approved under Board of Supervisors Ordinance No. 324-98, adopted on October 30, 1998.

RECOMMENDED:

Steven D. Nelson
Director of Administrative Services

Anthony J. DeLucchi
Director of Property

Douglas F. Wong
Executive Director
Port of San Francisco

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By
Jesse Capin Smith
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981436 **Date Passed:**

Ordinance approving and authorizing the amendment and restatement of the Mission Bay Port Land Transfer Agreement between the City and County, through its Port Commission, and Catellus Development Corporation; approving the Agency lease and the Catellus lease in connection therewith; approving indemnities and releases by the City in connection with the transactions contemplated by such documents, adopting environmental findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981436

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981436 continued...

FILE NO. 98-1437 ORDINANCE NO. 332-98

[Mission Bay Public Trust Agreement]

APPROVING AND AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE AGREEMENT CONCERNING THE PUBLIC TRUST FOR MISSION BAY, AMONG THE CITY AND COUNTY, INCLUDING ITS PORT COMMISSION, THE STATE OF CALIFORNIA AND CATELLUS DEVELOPMENT CORPORATION; ADOPTING FINDINGS THAT CERTAIN TRANSFERS OF LAND CONTEMPLATED BY SUCH AGREEMENT ARE AUTHORIZED BY AND CONSISTENT WITH THE PROVISIONS OF STATE LEGISLATION SET FORTH IN CHAPTER 1143 OF THE STATUTES OF 1991, AS AMENDED BY CHAPTER 86 OF THE STATUTES OF 1992 AND CHAPTER 203 OF THE STATUTES OF 1997; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND ADOPTING FINDINGS THAT SUCH AGREEMENT IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Whenever used in this Ordinance, the terms "boundary of the Port of San Francisco," "Burton Act trust," "City," "Mission Bay Development Area," "public trust," and "Western Pacific Property" shall have the same definitions as set forth in Chapter 1143 of the Statutes of 1991 of the State of California, as amended by Chapter 86 of the Statutes of 1992 and by Chapter 203 of the Statutes of 1997 (the "Act"), a copy of which is on file with Clerk of the Board of Supervisors under File No. 98-1435.

Section 2. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares that:

A. Pursuant to Board of Supervisors Ordinance Nos. 52-92 and 53-92 and companion Resolution Nos. 116-92 and No. 117-92, the City, including through its Port Commission (the "Port"), entered into that certain Mission Bay Port Land Transfer Agreement

dated as of September 8, 1993 (the "PLTA") with Catellus Development Corporation ("Catellus") and into that certain Mission Bay City Land Transfer Agreement dated as of September 8, 1993 (the "CLTA") with Catellus, pertaining to the transfer and exchange of land between the City, including its Port Commission, and Catellus.

B. Pursuant to Board of Supervisors Ordinance No. 52-92 and companion Resolution No. 119-92, the City, including the Port, entered into that certain Agreement Concerning the Public Trust dated as of September 8, 1993 (the "ACPT") with Catellus and the State of California, pertaining to the exchange of certain public trust and Burton Act trust interests as required in order to effectuate the land transfers contemplated by the CLTA and the PLTA.

C. The main purposes of the CLTA, PLTA and ACPT are to settle title disputes among the parties, to convert the existing fragmented system of present and former City street areas into an assemblage of developable parcels and to provide the public with enhanced access to the waterfront.

D. In May 1997, The Regents of the University of California ("The Regents") approved Mission Bay as the location for a major new campus of the University of California at San Francisco (the "UCSF Campus"). At the University's request, Catellus, which is the principal landowner in Mission Bay, and the City have offered to donate to The Regents at no transfer price a total of approximately 43 acres of land located in Mission Bay, which will enable The Regents to develop the UCSF Campus.

E. Pursuant to companion Board of Supervisors Ordinance Nos. 331-98 and 330-98, adopted on October 30, 1998, the City, including its Port, intends to enter into amendments and restatements of the PLTA (the "Amended PLTA") with Catellus and of the CLTA (the "Amended CLTA") with Catellus that will accommodate the donation of land to The Regents necessary for the development of the UCSF Campus, redesignate the

parcels to be transferred under those agreements and make other modifications to the PLTA and the CLTA. Copies of the Amended PLTA and the Amended CLTA are on file with the Clerk of the Board of Supervisors under File Nos. 98-1435 and 98-1435, respectively.

F. Pursuant to Board of Supervisors Resolution Nos. 184-98 and 185-98, the City, including its Port, entered into that certain Agreement for the Donation of Real Property dated as of February 2, 1998 with The Regents (the "1.34 Acre Donation Agreement"), which provides for the donation by the City of approximately 1.34 acres within the campus site to facilitate The Regents' development of one or more biomedical laboratory buildings. In connection with 1.34 Acre Donation Agreement, pursuant to Board of Supervisors Resolution No. 186-98, the City made certain public trust findings in accordance with the provisions of Chapter 1143 of the Statutes of 1991, as amended, and authorized the City to enter into that certain Agreement with Catellus and the State of California, providing for the termination of the public trust over the City's donation parcel and certain adjacent property, to be donated by Catellus to The Regents, as well as certain other property owned by Catellus.

G. Pursuant to Board of Supervisors Resolution No. 881-98, adopted on October 30, 1998, the City intends to enter into an Agreement for Donation of Real Property with The Regents (the "City Donation Agreement"), whereby the City will donate a total of approximately 11.89 acres of land in the Mission Bay Development Area (in addition to the property which is subject to the 1.34 Acre Donation Agreement), as described therein (the "City Donation Property"), to be developed for university purposes. A copy of the City Donation Agreement is on file with the Clerk of the Board of Supervisors under File No. 98-1435.

H. The ACPT needs to be amended to accommodate the donation of the City Donation Property to UCSF pursuant to the City Donation Agreement, redesignate the

property to be transferred, and make other modifications to the ACPT. A copy of the proposed amended and restated ACPT is on file with the Clerk of the Board of Supervisors under File No. 98-1435 (the "Amended ACPT").

I. By Port Commission Resolution Nos. 98-92, 98-90, and 98-91, adopted on September 22, 1998, the San Francisco Port Commission has approved the Amended ACPT, the Amended CLTA and the Amended PLTA and recommended approval of such agreements by this Board.

J. On September 17, 1998, the City Planning Commission, by Motion No. 14696, and the Redevelopment Agency Commission, by Resolution No. 182-98, certified the Final Subsequent Environmental Impact Report for the Mission Bay Project ("Final SEIR") as accurate, adequate and objective and in compliance with the California Environmental Quality Act ("CEQA"), which certification was affirmed by the Board of Supervisors by Motion No. M98-132. This Board of Supervisors has reviewed and considered the information contained in the Final SEIR. For purposes of compliance with CEQA, the Amended ACPT is part of the implementation of the Mission Bay Project examined in the Final SEIR for which the Board of Supervisors, by Resolution No. 854-98, has adopted findings with respect to the Final SEIR as required by CEQA, which findings are on file with the Clerk of the Board of Supervisors under File No. 981427, and which findings are incorporated herein by this reference. The Board of Supervisors hereby adopts and incorporates the findings under CEQA contained in Resolution No. 854-98 by reference as though such findings were fully set forth in this Ordinance.

K. By Planning Commission Resolution No. 14699, adopted on September 17, 1998, the Planning Commission found that the Amended ACPT is consistent with the General Plan, as amended, and with the eight Priority Policies of City Planning Code

Section 101.1, and a copy of such resolution is on file with the Clerk of the Board of Supervisors in File No. 981434. The Board of Supervisors hereby finds that the Amended ACPT is consistent with the City's General Plan, as amended, and with the eight Priority Policies of Planning Code Section 101.1 for the same reasons as set forth in the Planning Commission's Resolution No. 14699 and hereby incorporates such findings by reference as though fully set forth in this Ordinance.

L. Section 3 of the Act authorizes the State Lands Commission to grant to the City any and all of the right, title and interest held by the State by virtue of its sovereignty, and not previously conveyed, in and to filled tidelands and submerged lands within the Mission Bay Development Area and authorizes the State Lands Commission, pursuant to Article X, Section 3 of the California Constitution, to grant to the City any and all of the right, title and interest held by the State by virtue of its sovereignty, and not previously conveyed, including any Burton Act trust or public trust interest in and to filled tidelands and submerged lands within the City Donation Property and certain other lands in consideration for the conveyance of lands to the University for the UCSF Campus. The Act also authorizes the City, subject to the approval of the State Lands Commission, to transfer lands granted to the City for lands or interests in lands of equal or greater value which are useful for public trust purposes if the City makes certain findings as set forth below. The Act further authorizes the State Lands Commission to approve such an exchange if it makes the same findings. The Act further authorizes the City to sell tidelands that have been reserved to the State of California for street purposes, provided that the State makes the requisite findings to allow such sale.

M. In accordance with the Act, the Amended PLTA, Amended CLTA and Amended ACPT (collectively, the "Land Transfer Agreements") contemplate that certain lands in dispute with the State of California and certain other lands subject to the public trust or the Burton Act trust shall be conveyed free of those trusts to Catellus, and the public trust and the Burton Act

trust over the City Donation Property and certain other lands shall be terminated, in exchange for:

i. The conveyance to the City subject to the public trust or the public trust and the Burton Act trust of certain lands owned by Catellus;

ii. The conveyance to the City of an easement over certain other lands owned by Catellus which will permanently encumber those lands with the public trust;

iii. The agreement by the City that certain street areas which are the subject of a title dispute with the State and other areas shall be permanently subjected to the public trust by easement or otherwise; and

iv. The donation to The Regents of certain land from the City and Catellus.

N. The Amended CLTA and Amended PLTA contemplate that the City and Catellus transfer certain parcels of land and interests in lands within the Mission Bay Development Area and that Catellus transfer the Western Pacific Transfer Parcels and Western Pacific Shoreline to the City, to be held under the jurisdiction of its Port Commission.

O. The Amended ACPT contemplates that: (i) in consideration for the donation of lands by the City and Catellus to The Regents for the UCSF Campus (a) certain lands to which title is in dispute with the State of California and certain other lands subject to the public trust or the Burton Act trust, or both trusts, shall be conveyed free of those trusts to The Regents and (b) pursuant to Section 3 of Article X of the California Constitution, public trust claims will be relinquished from certain other lands comprised of present or former street areas to which title is in dispute with the State of California; and (ii) in conjunction with the land transfers contemplated by the Amended CLTA and Amended PLTA, certain lands to which title is in dispute with the State of California and certain other lands subject to the public trust or the Burton Act trust, or both trusts, will be relinquished from such trusts in exchange for the encumbrance of certain other lands with either the public trust, the Burton Act trust, or

both trusts, as well as the use restrictions of the Act.

P. Such transfers require resolution of title disputes which have long existed among the City, the State of California, and Catellus, such disputes having concerned the extent and nature of their respective ownership of lands and interests in lands within the Mission Bay Development Area and the Western Pacific Property.

Q. The public interest requires the resolution of the title problems by agreement, in part because of the expense, burden and predictably lengthy time of litigation to resolve the many complex legal matters at issue.

R. Pursuant to the Burton Act, the State granted to the City certain of the filled and unfilled tide and submerged lands within the Mission Bay Development Area, subject to (1) the public trust for commerce, navigation and fisheries, (2) the Burton Act, (3) the terms and conditions of the agreement between the State and the City which transferred title to the City of lands subject to the Burton Act, and (4) the Charter of the City.

S. Article X, Section 3 of the California Constitution provides that tidelands within two miles of any incorporated city, city and county, or town in California may be sold into private ownership if such tidelands were reserved to the State solely for street purposes and the California legislature finds and declares that they are not used for navigation purposes and are not necessary for such purposes, subject to such conditions as the State Legislature determines are necessary to be imposed in connection with any such sales to protect the public interest.

T. Independent appraisals of the Mission Bay Development Area and the Western Pacific Property have been prepared for and reviewed by the City's Director of Property and the Executive Director of the Port, and they have determined that the value of the lands and interests in lands which the City will receive pursuant to the Land Transfer Agreements is greater than the value of the lands or interests in lands to be relinquished by the City

pursuant to the Land Transfer Agreements, as set forth in the letter from the Director of Property and the Executive Director of the Port on file with the Clerk of the Board of Supervisors in File No. 98-1435.

Section 3. FURTHER FINDINGS. In accordance with the Act, the Board of Supervisors hereby further finds, determines and declares as follows:

A. The lands to be conveyed by the City and over which the public trust or the public trust and the Burton Act trust will be terminated pursuant to the Amended CLTA and Amended PLTA:

i. Have been filled and reclaimed in the course of a highly beneficial plan for development of the harbor and waterfront of the City and the Port of San Francisco, and consist entirely of dry land lying above the present line of mean high tide;

ii. Are not used, suitable, or necessary for navigation purposes and not necessary for street purposes; and

iii. Have been and are presently cut off from access to the waters of San Francisco Bay, constitute a relatively small portion of the tide and submerged lands which have been granted to the City, and are no longer needed or required for the promotion of the public trust or the Burton Act trust.

B. Certain of the tide and submerged lands within the Mission Bay Development Area and the Western Pacific Property were authorized to be, and were laid off and conveyed into private record ownership pursuant to various acts of the State Legislature, including Chapter 41 of the Statutes of 1851, Chapter 160 of the Statutes of 1851, Chapter 407 of the Statutes of 1863-1864, Chapter 543 of the Statutes of 1867-68, Chapter 490 of the Statutes of 1871-72, Chapter 265 of the Statutes of 1903, Chapter 434 of the Statutes of 1947, and Chapter 1252 of the Statutes of 1953.

C. There has been a dispute between the City and the State of California with

respect to the extent to which certain street areas within the Mission Bay Development Area may be subject to the public trust or other encumbrances that may have arisen because the lands were once sovereign lands of the State of California. It is in the public interest that this dispute be resolved in a manner that furthers public trust purposes.

D. There has been a dispute between and among the City, the State of California and Catellus, the current private owner of the Western Pacific Transfer Parcels and the Western Pacific Shoreline, with respect to the extent to which the Western Pacific Property may be subject to the public trust or other encumbrances that may have arisen because the lands were once sovereign lands of the State of California. It is in the public interest that this dispute be resolved in a manner that furthers public trust purposes.

E. The existing fragmented pattern of public and private ownership within the Mission Bay Development Area and the Western Pacific Property, especially the industrial area street system and parcelization imposed on the Mission Bay Development Area largely as the result of subdivisions and sales in the latter half of the nineteenth century, limit both the potential development of the area and the expansion of desirable public uses in the area, including, but not limited to, the expansion of UCSF and uses consistent with the public trust and the Burton Act trust, such as open space and parks along the waterfront and elsewhere within those areas, and public access to and along the shoreline of the Mission Bay Development Area and the Western Pacific Property. Consolidation of public and private ownerships, together with addressing the environmental condition as required by applicable law of all real property to be subjected to the public trust or the Burton Act trust, or both trusts, or to be made available for the UCSF Campus, will permit the development of improved open space, public access, waterfront parks, and other public facilities consistent with the public trust and the Burton Act trust, and the development would otherwise not be feasible because of existing ownership patterns and lack of city and state funds.

F. The consideration for the sale of lands or interests in lands pursuant to Section 3 of Article X of the California Constitution shall be the conveyance to The Regents of lands or interests in lands for expansion of UCSF, the value of which equals or exceeds the value of the lands or interests in lands that are to be sold.

G. At the conclusion of the exchanges contemplated by the Land Transfer Agreements, the lands that will be subject to the public trust and the Burton Act trust, or both trusts, will provide lateral public access to the water along the entirety of the shoreline of the Mission Bay Development Area and the Western Pacific Property.

H. Upon completion of the conveyances contemplated by the Land Transfer Agreements, the lands subject to the public trust or the Burton Act trust, or both trusts, within the Mission Bay Development Area shall be substantially in the configuration shown in Section 13.6 of the Act, the lands within the Western Pacific Property shall meet the requirements of the Act as it pertains to the Western Pacific Property, and the lands subject to the public trust or the Burton Act Trust within the Mission Bay Development Area and the Western Pacific Shoreline and Western Pacific Easement Parcels shall be restricted to the uses provided for in the Act.

I. Substantial portions of the granted tidelands in dispute within the Mission Bay Development Area to be conveyed into private ownership were reserved to the State for street purposes and are not used or necessary for navigation purposes, and therefore under Section 3 of Article X of the California Constitution can and should be conveyed into private ownership for uses consistent with and in furtherance of the Act.

J. The exchange of lands and rights provided for in the Land Transfer Agreements are in the best interests of the City, and will further the public trust and the Burton Act trust.

K. The conveyance of the City Donation Property to The Regents is in the best interests of the City, and will further a public purpose, including, without limitation, the

promotion of public education.

L. No substantial interference with the public trust or the Burton Act trust will ensue from the relinquishment by the City of its interest in those lands to be conveyed into private ownership or to The Regents and over which the public trust or the public trust and the Burton Act trust will be terminated pursuant to the Land Transfer Agreements, or from the termination of the public trust or the public trust and the Burton Act trust over certain other lands pursuant to the Land Transfer Agreements.

M. The lands or interests in lands which the City will acquire pursuant to the Land Transfer Agreements are useful for the purposes of the public trust for commerce, navigation and fisheries, the Burton Act trust, and the purposes described in the Act.

N. Based on the report of the Director of Property and the Executive Director of the Port referred to above, the value of the lands or interests in lands to be conveyed to the City and subjected to the public trust, or subjected to the public trust and the Burton Act trust, and the value of the public trust easements to be conveyed to or obtained by the City are equal to or greater than the value of the lands or interests in lands to be conveyed by the City and the public trust interests and Burton Act trust interests to be terminated pursuant to the Land Transfer Agreements.

O. Those lands or interests in lands received by the City pursuant to the Land Transfer Agreements (including the Port Leasehold Parcels, as described in the Amended CLTA) that are (a) the Western Pacific Shoreline, as defined in the Amended PLTA, or (b) within the boundary of the Port of San Francisco (other than the parcel described as the City Facilities Parcel in the Land Transfer Agreements), shall be held by the City, through its Port Commission, subject to the public trust and the Burton Act trust and the public trust uses described in the Act.

P. Those lands or interests in lands received by the City pursuant to the Amended

CLTA outside the boundary of the Port of San Francisco but within the Mission Bay Development Area shall be held by the City subject to the public trust and the public trust uses described in the Act.

Q. Pursuant to Section 5 of the Act, the conveyances contemplated by the Amended ACPT are consistent with the legislative findings and declarations set forth in Section 2 of the Act.

Section 4. Based on the findings and recommendations referred to herein, the Board of Supervisors approves the Amended ACPT and the transactions and conveyances of real property or interests therein, as contemplated thereby.

Section 5. The Board of Supervisors authorizes and urges the Mayor, the Director of Property and the Executive Director of the Port to execute the Amended ACPT, in the name and on behalf of the City, in substantially the form of such agreement presented to this Board of Supervisors.

Section 6. The Board of Supervisors authorizes the Mayor, the Director of Property and the Executive Director of the Port to enter into any additions, amendments or other modifications to the Amended ACPT (including, without limitation, the exhibits) that the Mayor, the Director of Property and the Executive Director of the Port determine, in consultation with the City Attorney, are in the best interests of the City, do not materially increase the obligations or liabilities of the City, will not have any material adverse fiscal impact on the City, do not materially diminish the rights of or benefits to the City, and are necessary or advisable to complete the transaction contemplated in the Amended ACPT and effectuate the purpose and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by the Director of Property and the Executive Director of the Port of the Amended ACPT and any amendments thereto.

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Section 7. The Board of Supervisors authorizes and urges the Mayor, the Director of Property, the Executive Director of the Port and any other officers, agents or employees of the City to take any and all steps (including, but not limited to, the execution and delivery of any and all escrow instructions, agreements, notices, consents and other instruments or documents, including, without limitation, any agreements to extend the applicable statutes of limitation) as they or any of them deem necessary or appropriate, in consultation with the City Attorney, in order to consummate the Amended ACPT in accordance with this Ordinance, or to otherwise effectuate the purposes and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by such person or persons of any such documents.

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Section 8. The approval under this Ordinance shall take effect upon the effective date of the amendments to the General Plan approved under Board of Supervisors Ordinance No. 324-98, adopted on October 30, 1998.

RECOMMENDED:

Steven D. Nelson
Director of Administrative Services

Douglas F. Wong
Executive Director
Port of San Francisco

Anthony J. DeLucchi
Director of Property

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By
Jesse Capin Smith
Deputy City Attorney

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 406
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 981437 **Date Passed:**

Ordinance approving and authorizing the amendment and restatement of the agreement concerning the public trust for Mission Bay, among the City and County, including its Port Commission, the State of California and Catellus Development Corporation, adopting findings that certain transfers of land contemplated by such agreement are authorized by and consistent with the provisions of state legislation set forth in Chapter 1143 of the Statutes of 1991, as amended by Chapter 86 of the Statutes of 1992 and Chapter 203 of the Statutes of 1997; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 2 - Kaufman, Newsom

File No. 981437

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981437 continued...

AMENDMENT OF THE WHOLE
10/14/98

FILE NO. 98-1500 ORDINANCE NO. 333-98

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT WITH DEFENDANT 1900 THIRD STREET, LLC IN LITIGATION OF CITY AND COUNTY OF SAN FRANCISCO V. ALL PERSONS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle with defendant 1900 Third Street LLC in the action entitled "City and County of San Francisco v. All Persons, San Francisco Superior Court No. 44492," an action to quiet title to City owned property within the Mission Bay Development Project area.

Section 2. As part of the settlement, the City will enter into a License Agreement with 1900 Third Street LLC ("Licensee") and Catellus Development Corporation ("Catellus"), providing Licensee with a license to enter upon and use the City property that is the subject if the action ("Property") and portions of Catellus property for ingress and egress, the turning and maneuvering of vehicles, parking of vehicles used in the course of business and the encroachment of certain building improvements onto City and Catellus property.

Section 3. In consideration for the City entering into the License Agreement, Licensee shall quitclaim to the City any and all right, title and interest in the Property, and shall enter into a stipulation, substantially in the form on file with the Clerk of the Board of Supervisors in File No. 98-1501, stating that Licensee has no right, title or interest in the Property.

Section 4: Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this ordinance is in conformity with the Priority Policies of Section 101.1(b) of the Planning Code and, when effective, with the General Plan as proposed to be amended and hereby adopts the findings of the Planning Director, as set forth in the Planning Director's letter dated October 9, 1998, and incorporates said findings by this reference thereto.

SUPERVISOR YAKI, TENG, NEWSOM, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE
BOARD OF SUPERVISORS

Section 5. In Resolution No. 854-98, this Board of Supervisors adopted findings in connection with its consideration of, among other things, this settlement agreement, under the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, and adopted a mitigation monitoring program, which findings and program are hereby incorporated by reference as if fully set forth herein.

Section 6. In accordance with the recommendation of the City Attorney, Director of Property and Director of Public Works, the Board of Supervisors hereby authorizes the Director of Property to accept a quitclaim deed from the Licensee on behalf of the City and hereby authorizes the City Attorney to enter into a stipulation with Licensee stating that Licensee has no right, title or interest in the Property.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

WILLIAM M FLEISHHACKER
Deputy City Attorney

RECOMMENDED:

Director of Property

Director of Public Works

SUPERVISOR YAKI
BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4832

File Number: 981500 **Date Passed:**

Ordinance authorizing settlement with defendant 1900 Third Street, LLC in litigation of City and County of San Francisco v. All Persons.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 9 - Ammiano, Bierman, Brown, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 1 - Kaufman

File No. 981500

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981500 continued...

FILE NO. 98-1553 ORDINANCE NO. 334-98

[Settlement of Litigation]

AUTHORIZING SETTLEMENT OF LITIGATION BY THE CITY AND COUNTY OF SAN FRANCISCO AGAINST MARY L. LOBUGLIO BY ACCEPTING CONSIDERATION IN THE TOTAL AMOUNT OF $71,228.00 PLUS INTEREST AT THE RATE OF 10% PER ANNUM PAYABLE IN CASH ON OR BEFORE OCTOBER 30, 1998 AND FILING STIPULATION FOR ENTRY OF JUDGMENT UPON DEFAULT TO SECURE PAYMENT.

BE IT ORDAINED by the People of the City and County of San Francisco.

SECTION 1. The Tax Collector Attorney in the Treasurer/Tax Collector Department is hereby authorized and directed to settle the controversy in the action City and County of San Francisco v. Mary L. LoBuglio, San Francisco Superior Court No. 994516 by filing the Payment Agreement and Stipulation for Entry of Judgment upon Default, a copy of which is attached to this Ordinance and labeled Exhibit 1; and accepting the sum of $71,228 plus interest computed at the rate of ten percent (10%) per annum from June 1, 1998 to the date of payment. Full payment shall be made on or before October 30, 1998.

SECTION 2. After full payment of the amount specified in Section 1, the Tax Collector Attorney is directed to prepare and file a dismissal with prejudice in the action City and County of San Francisco v. Mary L. LoBuglio, San Francisco Superior Court No. 994516, thereby terminating all litigation in this case.

SECTION 3. Should Mary L. LoBuglio fail to pay the Settlement Amount, including interest as specified in Section 1 by October 30, 1998, the Tax Collector Attorney is directed to immediately enter judgment against Mary L. LoBuglio in the amount of the complaint plus additional charges as authorized in paragraph 4 of the Payment Agreement and Stipulation for Entry of Judgment Upon Default. Time is of the essence in this settlement.

RECOMMENDED BY:

RICHARD A. SULLIVAN
Tax Collector

By: Willie H. Ross
Willie H. Ross
Deputy Tax Administrator

APPROVED BY:

SUSAN LEAL
Treasurer

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Theodore R. Lakey
Name: Theodore R. Lakey
Deputy City Attorney

BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981553 **Date Passed:**

Ordinance authorizing settlement of litigation by the City and County of San Francisco against Mary L. LoBuglio by accepting consideration in the total amount of $71,228 plus interest at the rate of 10% per annum payable in cash on or before October 30, 1998 and filing stipulation for entry of judgment upon default to secure payment.

October 19, 1998 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz

File No. 981553

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

OCT 30 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981553 continued...

FILE NO. 98-1441 ORDINANCE NO. 335-98

[Mission Bay South Redevelopment Plan]

APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE MISSION BAY SOUTH PLAN AREA, WHICH IS GENERALLY BOUNDED BY THE SOUTH EMBANKMENT OF THE CHINA BASIN CHANNEL AND SEVENTH STREET, INTERSTATE 280, MARIPOSA STREET, TERRY FRANCOIS BOULEVARD AND THIRD STREET AND CONTAINS APPROXIMATELY 238 ACRES OF LAND; APPROVING AND AUTHORIZING AN INTERAGENCY COOPERATION AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, IN FURTHERANCE OF THE ADOPTION AND IMPLEMENTATION OF THE REDEVELOPMENT PLAN; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING FINDINGS THAT THE PLAN AND RELATED COOPERATION AGREEMENT ARE CONSISTENT WITH THE CITY'S GENERAL PLAN AND EIGHT PRIORITY POLICIES OF CITY PLANNING CODE SECTION 101.1; AND ADOPTING OTHER FINDINGS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds, determines and declares that:

A. The Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency") has proposed the adoption of a Redevelopment Plan for the Mission Bay South Redevelopment Project, which is generally bounded by the South embankment of the China Basin Channel and Seventh Street, Interstate 280, Mariposa Street, Terry Francois Boulevard and Third Street and contains approximately 238 acres of

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and, as more particularly described in the Redevelopment Plan referred to in paragraph B below (the "South Plan Area").

B. The Redevelopment Agency has transmitted to this Board of Supervisors certified copies of its Resolution No. 190-98, adopted following a duly noticed public hearing held on September 17, 1998, attaching its report to the Board of Supervisors and recommending the adoption of the Redevelopment Plan for the Mission Bay South Redevelopment Project (the "Redevelopment Plan"), a copy of which report and Redevelopment Plan are on file with the Clerk of the Board of Supervisors in File No. 981441.

C. Pursuant to Sections 33220, 33343, 33344 and 33370 of the Community Redevelopment Law of California, and in order to promote development in accordance with objectives and purposes of the Redevelopment Plan and documents relating to the Redevelopment Plan, the City intends to undertake and complete proceedings and actions necessary to be carried out by the City under the provisions of the Redevelopment Plan and provide for the expenditure of monies by the community in carrying out the Redevelopment Plan, and, specifically, the City wishes to enter into an Interagency Cooperation Agreement with the Redevelopment Agency, in the form on file with the Clerk of the Board in File No. 981441 (the "Interagency Cooperation Agreement"), to provide for cooperation between the City and the Redevelopment Agency in administering the process for control and approval of subdivisions, and all other applicable land use, development, construction, improvement, infrastructure, occupancy and use requirements and in establishing the policies and procedures relating to such approvals. Catellus Development Corporation is a third party beneficiary of the Interagency Cooperation Agreement.

D. The Port Commission, by Resolution No. 98-88, adopted on September 22, 1998, endorsed the Redevelopment Plan and recommended approval of the

Redevelopment by the Board of Supervisors, to the extent the Redevelopment Plan affects property under the jurisdiction of the Port.

E. The Planning Commission has reviewed the proposed Redevelopment Plan and has transmitted to this Board of Supervisors certified copies of its Resolution No. 14698, adopted on September 17, 1998, in which the Planning Commission finds that the proposed Redevelopment Plan and the Interagency Cooperation Agreement, when effective, will be consistent with the General Plan of the City and County of San Francisco, as amended, and with the eight Priority Policies of City Planning Code Section 101.1, and recommends the adoption of the Redevelopment Plan and the Interagency Cooperation Agreement to this Board of Supervisors.

F. On September 3, 1998, the Planning Department and Redevelopment Agency published a Final Subsequent Environmental Impact Report ("Final SEIR") for the development project contemplated in the South Plan Area. Implementation of the development project includes the adoption of the Redevelopment Plan and approval of the Interagency Cooperation Agreement. On September 17, 1998, the Planning Commission and the Redevelopment Agency evaluated and certified the Final SEIR jointly, by Planning Commission ~~Resolution~~ Motion No. 14696 and Redevelopment Agency Commission Resolution No. 182-98, respectively, which certification was affirmed by the Board of Supervisors by Motion No. M98-132.

G. This Board of Supervisors adopted Resolution No. 854-98 on October 19, 1998, making findings pursuant to the California Environmental Quality Act and adopting a mitigation monitoring program. This Board of Supervisors hereby adopts and incorporates the environmental findings under the California Environment Quality Act contained in such Resolution by reference as though such findings were fully set forth in this Ordinance.

H. On October 19, 1998, this Board of Supervisors held a public hearing on the Redevelopment Plan, which hearing was closed and notice of which hearing was published in accordance with Section 33349 of the California Health and Safety Code and Section 6063 of the California Government Code, in the San Francisco Independent, a newspaper of general circulation, printed, published and distributed in the City and County of San Francisco, and at such hearing this Board considered the report and recommendations of the Redevelopment Agency and the Planning Commission, the Final SEIR, and all evidence and testimony for and against the proposed Redevelopment Plan, and hereby adopts written findings to the extent required by the Community Redevelopment Law as set forth in this Ordinance.

I. Due to the great need for low and moderate income housing at affordable cost in all areas of the City as shown in the "Analysis of the OAHPP Formula prepared by the Department of City Planning in November 1994" (as identified in Section 313.2 of the Planning Code) and due to the lack of available sites for such housing in redevelopment project areas, the Agency's and the City's use of funds in the Low and Moderate Income Housing Fund created under Board of Supervisors' Resolution No. 439-89 both inside and outside of the South Plan Area will be of benefit to the South Plan Area.

Section 2. PURPOSES AND INTENT. The purposes and intent of the Board of Supervisors with respect to the South Plan Area are to adopt a Redevelopment Plan for the South Plan Area in accordance with the Community Redevelopment Law of California (Health & Safety Code Section 33000 et seq.) and to achieve the objectives for redevelopment of the South Plan Area specified in the Redevelopment Plan.

Section 3. By this reference, the Redevelopment Plan, a copy of which is on file with the Clerk of the Board of Supervisors under File No. 981441, is incorporated in and made a part of this Ordinance with the same force and effect as though set forth fully herein.

Section 4. FURTHER FINDINGS AND DETERMINATIONS UNDER THE COMMUNITY REDEVELOPMENT LAW. The Board of Supervisors hereby further finds, determines and declares that:

A. The South Plan Area, which is the subject of the Redevelopment Plan, is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law.

B. The Redevelopment Plan will redevelop the South Plan Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety, and welfare.

C. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible.

D. The Redevelopment Plan and the Interagency Cooperation Agreement contemplated thereby, when effective, will be consistent with the General Plan of the City and County of San Francisco, as amended, including, but not limited to, the housing element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code and other applicable requirements of law, and is consistent with the eight Priority Policies in City Planning Code Section 101.1 for the reasons set forth in City Planning Commission Resolution No. 14699, which findings are incorporated herein by reference as though fully set forth herein.

E. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the community and effectuate the purposes and policies of the Community Redevelopment Law.

F. The condemnation of real property, to the extent provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan and

adequate provisions have been made for payment for property to be so acquired as provided by law.

G. There are no persons living in housing facilities in the South Plan Area who will be displaced by the Redevelopment Plan. Accordingly, no residential relocation plan is required.

H. There are no non-contiguous areas in the South Plan Area.

I. The South Plan Area includes lands, buildings and improvements which are not individually detrimental to the public health, safety or welfare but which are necessary for the effective redevelopment of the South Plan Area; any area included in the South Plan Area is necessary for effective redevelopment and is not included for the purpose of obtaining an allocation of tax increment revenues from the South Plan Area pursuant Section 33670 of the California Health and Safety Code without other substantial justification for its inclusion.

J. The elimination of blight and the redevelopment of the South Plan Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Redevelopment Agency.

K. The South Plan Area is predominantly urbanized, as defined by California Health and Safety Code Section 33320.1(b).

L. The time limitation and the limitation on the number of dollars to be allocated to the Redevelopment Agency that are contained in the Redevelopment Plan are reasonably related to the proposed projects to be implemented in the South Plan Area and to the ability of the Redevelopment Agency to eliminate blight within the South Plan Area.

M. The Agency's and the City's expenditure of funds in the Low and Moderate Income Housing Fund created under Board of Supervisors' Resolution No. 498-89 within the territorial limits of the City, whether within or outside the territorial limits of the South Plan Area, will be of benefit to the South Plan Area; provided, however, any such expenditure shall

be subject to the terms and conditions of the Tax Allocation Agreement for the South Plan Area, a copy of which is on file with the Board of Supervisors in File No. 98-1441

Section 5. The Board of Supervisors hereby approves and adopts the Redevelopment Plan and designates the approved Redevelopment Plan as the official Redevelopment Plan of the South Plan Area.

Section 6. The Clerk of the Board of Supervisors shall without delay (1) transmit a copy of this Ordinance to the Redevelopment Agency pursuant to California Health and Safety Code Section 33372, whereupon the Redevelopment Agency shall be vested with the responsibility for carrying out the Redevelopment Plan, (2) record or ensure that the Redevelopment Agency records a description of the South Plan Area and a certified copy of this Ordinance pursuant to California Health and Safety Section 33373, and (3) transmit, by certified mail, return receipt requested, a copy of this Ordinance, together with a copy of the Redevelopment Plan, which contains a legal description of the South Plan Area and a map indicating the boundaries of the South Plan Area, to the Controller, the Tax Assessor, the State Board of Equalization and all taxing agencies in the South Plan Area pursuant to California Health and Safety Code Sections 33670 and 33375.

Section 7. In furtherance of the adoption and implementation of the Redevelopment Plan and in accordance with the recommendations of various City commissions and departments, the Board of Supervisors hereby approves the proposed Interagency Cooperation Agreement. In connection therewith, for purposes of Section 53316.2(b) of the Mello-Roos Community Facilities Act of 1982, as amended, (California Government Code), the Board of Supervisors hereby finds and determines that the Interagency Cooperation Agreement is and will be beneficial to the residents of the City and the South Plan Area. In accordance with the Interagency Cooperation Agreement, the City will agree to undertake and complete all actions or undertakings necessary or appropriate to ensure the continued

fulfillment of the objectives of the Redevelopment Plan and Plan Documents (as defined therein), including, without limitation, preventing the recurrence or spread of the conditions causing blight in the South Plan Area. Such agreement by the City shall also include, without limitation, compliance with those mitigation measures which are set forth in, and denominated as the obligation of the City in, Attachment L to the Mission Bay South Owner Participation Agreement, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981441.

Section 8. The Board of Supervisors authorizes and urges the Mayor, the Director of Public Works and all other appropriate City officials to execute the Interagency Cooperation Agreement, in the name and on behalf of the City, in substantially the form of such agreement presented to this Board of Supervisors.

Section 9. The Board of Supervisors authorizes the Mayor and the Director of Public Works (or any successor City officer designated by law) to enter into and approve any additions, amendments or other modifications to the Interagency Cooperation Agreement (including, without limitation, the exhibits, or the Environmental Investigation and Response Program, Design Review and Document Approval Procedure or Housing Program) that they shall determine, in consultation with the City Attorney and any affected City agencies, are in the best interests of the City, provided that any such additions, amendments or modifications do not materially increase the costs or liabilities of the City, do not materially decrease the time periods required for review or approval by any City Agency of permits, approvals, agreements and entitlements in connection with the implementation of the Redevelopment Plan and Plan documents, do not materially alters the obligations of the City agencies or the principal benefits to the City (including, without limitation, the principal benefits accruing to the City from the affordable housing elements of the Housing Program), and are necessary or advisable to effectuate the implementation of the Redevelopment Plan, Plan Documents (as

defined therein) and this Ordinance, such determination to be conclusively evidenced by the execution and delivery by the Mayor and Director of Public Works of the Interagency Cooperation Agreement and any amendments thereto.

Section 10. The Board of Supervisors authorizes and urges the Mayor, Director of Public Works and any other officers, agents and employees of the City to take any and all steps (including, but not limited to, the execution and delivery of any and all agreements, notices, consents and other instruments or documents including, without limitation, any agreements to extend any applicable statutes of limitation) as they or any of them deem necessary or appropriate, in consultation with the City Attorney, in order to consummate the Interagency Cooperation Agreement in accordance with this Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance, such determination to be conclusively evidenced by the execution and delivery by such person or persons of any such documents.

Section 11. The approval under this Ordinance shall take effect upon the effective date of the amendments to the General Plan approved under Board of Supervisors Ordinance No. 324-98, adopted on October 30, 1998.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Jesse Capin Smith
Deputy City Attorney

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco CA 94102-4532

File Number: 981441 **Date Passed:**

Ordinance approving and adopting Redevelopment Plan for the Mission Bay South Plan Area, which is generally bounded by the south embankment of the China Basin Channel and Seventh Street, Interstate 280, Mariposa Street, Terry Francois Boulevard and Third Street and contains approximately 238 acres of land; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Plan and related cooperation agreement are consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1; and adopting findings pursuant to the California Community Redevelopment Law.

October 19, 1998 Board of Supervisors — CONTINUED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom
Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 9 - Ammiano, Bierman, Brown, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz
Excused: 1 - Kaufman

November 2, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki, Yee
Excused: 1 - Kaufman

File No. 981441

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 2, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV - 2 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981441 continued...

FILE NO. 98-1422 ORDINANCE NO. 336-98

RO#98035

[Settlement]

AUTHORIZATION FOR SETTLEMENT OF THE LITIGATION OF LONG V. SAN FRANCISCO FIRE DEPARTMENT, UNITED STATES DISTRICT COURT CASE NO. C97-4421 (CAL), IN THE AMOUNT OF FORTY-SEVEN THOUSAND DOLLARS ($47,000.00).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney of San Francisco is hereby authorized to settle the court action entitled "Long v. San Francisco Fire Department, United States District Court Case No. C97-4421 (CAL)" in the amount of forty-seven thousand dollars ($47,000.00).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE, City Attorney

BY: Vicki Clayton
VICKI CLAYTON
Chief Labor Attorney

RECOMMENDED:

SAN FRANCISCO FIRE COMMISSION

BY: Raymond Connors
RAYMOND CONNORS
Secretary

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

CHIEF ROBERT DEMMONS
San Francisco Fire Department

1G-AGF-AAA 97-09-31
975024 05311 $47,000.00

BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco CA 94102-4532

File Number: 981422 **Date Passed:**

Ordinance authorizing settlement of litigation entitled Long v. San Francisco Fire Department by payment of Forty-Seven Thousand Dollars ($47,000)

October 19, 1998 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz

DEC 1 1998

File No. 981422

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV - 6 1998
Date Approved

Mayor Willie L. Brown Jr.

FILE NO. 98-1504 ORDINANCE NO. 337-98

[Health Contracts]

REPEALING SECTION 1.33, AMENDING SECTION 19A.23 AND ADDING SECTIONS 19A.37, 19A.38, 19A.39, AND 19A.40 OF THE ADMINISTRATIVE CODE TO AUTHORIZE THE DIRECTOR OF HEALTH TO ENTER INTO AGREEMENTS THAT CONTAIN AN INDEMNIFICATION PROVISION WITH UNIVERSITY OF CALIFORNIA, UCSF/STANFORD HEALTH CARE, ALAMEDA COUNTY, SAN MATEO COUNTY, AND SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 1 of the San Francisco Administrative Code is hereby amended by repealing Section 1.33.

((SEC. 1.33. HOLD HARMLESS AGREEMENTS BETWEEN THE HEALTH COMMISSION AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA. The Health Commission is hereby authorized to enter into hold harmless agreements with the Regents of the University of California for health-related services, with the exception of those services related to physicians, residents and/or interns.))

Section 2. Article 1 of Chapter 19A of the San Francisco Administrative Code is hereby amended to read as follows:

SEC. 19A.23. AGREEMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA RELATING TO MEDICAL SERVICES. ((FOR CLINICAL SERVICES AND TRAINING PROJECTS.)) (a) The Director of ((Public)) Health, with the approval of the Health Commission, is hereby authorized to enter into and execute written agreements on behalf of the City and County of San Francisco with the Regents of the University of California relating to the provision of medical services, including mental health and substance abuse services, to

San Francisco residents. ((to participate in projects related to clinical service and health care provider training in order to benefit the programs provided the residents of San Francisco. Said agreements shall be substantially in conformance with the form of agreements on file with the clerk of the Board of Supervisors in File No. 97-90-40.))

(b) If said agreements contain a provision in which the City and County of San Francisco defends, indemnifies or holds harmless the Regents of the University of California, the provision shall be the following:

University shall defend, indemnify, and hold the City, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the University, its officers, agents or employees.

City shall defend, indemnify, and hold the University, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of City, its officers, agents or employees.

Section 3. Article 1 of Chapter 19A of the San Francisco Administrative Code is hereby amended by adding Sections 19A.37, 19A.38, 19A.39, and 19A.40 to read as follows:

SEC. 19A.37. AGREEMENTS WITH UCSF/STANFORD HEALTH CARE FOR MEDICAL SERVICES. The Director of Health, with the approval of the Health Commission, is hereby authorized to enter into and execute written agreements on behalf of the City and County of San Francisco with UCSF/Stanford Health Care relating to the provision of medical

DEC 1 3 1998

services, including mental health and substance abuse services, to San Francisco residents. If said agreements contain a provision in which the City and County of San Francisco defends, indemnifies or holds harmless UCSF/Stanford Health Care, the provision shall be the following:

UCSF/Stanford Health Care shall defend, indemnify, and hold the City, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the UCSF/Stanford Health Care, its officers, agents or employees.

City shall defend, indemnify, and hold UCSF/Stanford Health Care, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of City, its officers, agents or employees.

SEC. 19A.38. AGREEMENTS WITH ALAMEDA COUNTY FOR MEDICAL SERVICES. The Director of Health, with the approval of the Health Commission, is hereby authorized to enter into and execute written agreements on behalf of the City and County of San Francisco with Alameda County relating to the provision of medical services, including mental health and substance abuse services, to San Francisco residents. If said agreements contain a provision in which the City and County of San Francisco defends, indemnifies or holds harmless Alameda County, the provision shall be the following:

Alameda County shall defend, indemnify, and hold the City, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or

claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the Alameda County, its officers, agents or employees.

City shall defend, indemnify, and hold Alameda County, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of City, its officers, agents or employees.

SEC. 19A.39. AGREEMENTS WITH SAN MATEO COUNTY FOR MEDICAL SERVICES. The Director of Health, with the approval of the Health Commission, is hereby authorized to enter into and execute written agreements on behalf of the City and County of San Francisco with San Mateo County relating to the provision of medical services, including mental health and substance abuse services. If said agreements contain a provision in which the City and County of San Francisco defends, indemnifies or holds harmless San Mateo County, the provision shall be the following:

San Mateo County shall defend, indemnify, and hold the City, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the San Mateo County, its officers, agents or employees.

City shall defend, indemnify, and hold San Mateo County, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or

claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of City, its officers, agents or employees.

SEC. 19A.40. AGREEMENTS WITH SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR MEDICAL SERVICES. The Director of Health, with the approval of the Health Commission, is hereby authorized to enter into and execute written agreements on behalf of the City and County of San Francisco with San Francisco Unified School District relating to the provision of medical services, including mental health and substance abuse services, to San Francisco residents. If said agreements contain a provision in which the City and County of San Francisco defends, indemnifies or holds harmless San Francisco Unified School District, the provision shall be the following:

San Francisco Unified School District shall defend, indemnify, and hold the City, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the San Francisco Unified School District, its officers, agents or employees.

City shall defend, indemnify, and hold San Francisco Unified School District, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees or claims, for injury or damages, arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys'

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fees or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of City, its officers, agents or employees.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____

JEAN S. FRASER

Deputy City Attorney

DEC 1 5 1998

Tails

Ordinance

File Number: 981504 **Date Passed:**

Ordinance amending Administrative Code by repealing Section 1 33, amending Section 19A.23 and adding Sections 19A 37, 19A 38, 19A 39, and 19A 40 to authorize the Director of Health to enter into agreements that contain an indemnification provision with University of California, UCSF/Stanford Health Care, Alameda County, San Mateo County, and San Francisco Unified School District

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz

File No. 981504

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV - 6 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981504 continued...

FILE NO. 98-1595 ORDINANCE NO. 338-98

RO#98030

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF SUE LONG SOON AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $90,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Sue Long Soon, et al., v. City and County of San Francisco, et al., Superior Court No. 987-398 by the payment of $90,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joanne Hoyer For

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED LAU
Chief of Police

FUNDS AVAILABLE

EDWARD HARRINGTON
Controller

IG-AGF-AAA
185036 05311 $34,000.00 - Police
975027 05311 $56,000.00 - SFGH

APPROVED:

Secretary
Police Commission

DEPARTMENT OF PUBLIC HEALTH

MITCHELL KATZ, M.D.
Director

Secretary, Health Commission

NAME OF SUPERVISOR/COMMITTEE/DEPARTMENT
BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4832

File Number: 981595 **Date Passed:**

Ordinance authorizing settlement of litigation of Sue Long Soon against the City and County of San Francisco by payment of $90,000

October 19, 1998 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz

DEC 1 6 1998

File No. 981595

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV - 6 1998

Date Approved

Mayor Willie L. Brown Jr.

FILE NO. 98-1637

ORDINANCE NO. 339-98

RO#98033

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF JOHN A. BRADY, LORRAINE C. DUDDY, SHARON E. SAMUEL AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $55,140.28.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Brady, et al., v. City and County of San Francisco, et al., San Francisco Superior Court No. 980975, Court of Appeal Court Nos. A080127, and A083020 by the payment of $55,140.28. The City Attorney is authorized to execute any documents necessary to effect this settlement.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

KATHARINE M. ALBRIGHT
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF PARKING AND TRAFFIC

STUART SUNSHINE
Executive Director

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

1G-AGF-AAA 36-00-00
975032 05311 $55,140.28

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981637 **Date Passed:**

Ordinance authorizing settlement of litigation of John A. Brady, Lorraine C Duddy, Sharon E. Samuel against the City and County of San Francisco by payment of $55,140.25

October 19, 1998 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Teng, Yaki, Yee
Absent: 1 - Newsom

October 26, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Katz

DEC 1 1998

File No. 981637

I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV - 6 1998
Date Approved

Mayor Willie L. Brown Jr.

FILE NO. 98-0944 ORDINANCE NO. 340-98

[Advertising on Fixed Pedestal Newsracks]

AMENDING SECTION 603 OF THE SAN FRANCISCO PLANING CODE TO EXEMPT ADVERTISING ON FIXED PEDESTAL NEWSRACKS FROM PLANNING CODE REQUIREMENTS REGULATING SIGNS

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 6 of the San Francisco Planning Code is hereby amended by amending Section 603 to read as follows:

SEC. 603. EXEMPTED SIGNS. Nothing in this Article 6 shall apply to any of the following signs:

(a) Official public notices, and notices posted by public officers in performance of their duties;

(b) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety;

(c) Temporary display posters, without independent structural support, in connection with political campaigns and with civic noncommercial health, safety and welfare campaigns, provided that in R districts such posters shall be removed within 60 days following the conclusion of the campaign;

(d) Flags, emblems, insignia and posters of any nation or political subdivision, and temporary displays of a patriotic, religious, charitable or other civic character;

(e) House numbers, whether illuminated or not, "no trespassing," "no parking," and other warning signs;

(f) Commemorative plaques placed by recognized historical agencies;

(g) Signs within a stadium, open-air theater or arena which are designed primarily

to be viewed by patrons within such stadium, open-air theater or arena;

(h) Religious symbols attached to buildings if not projecting beyond any street property line or building setback line;

(i) Flags indicating weather conditions, and single flags which are emblems of business firms, enterprises and other organizations;

(j) Two general advertising signs each not exceeding 24 square feet in area on either a transit shelter or associated advertising kiosk furnished by contract with the Public Utilities Commission or Public Transportation Commission for the Municipal Railway in RM-2, RM-3, RM-4, RC, NC, C, M and South of Market Districts, and in those P Districts where such signs would not adversely affect the character, harmony or visual integrity of the district as determined by the City Planning Commission; eight general advertising signs each not exceeding 24 square feet in area on transit shelters located on publicly owned property on a high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs solely face the C-2 District; and up to three double-sided general advertising signs each not exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high level Municipal Railway boarding platforms along The Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided panels at 4th and King Streets and 6th and King Streets. Each advertising sign on a high level boarding platform shall be designed and sited in such a manner as to minimize obstruction of public views from pedestrian walkways and/or public open space..

Notwithstanding the above, no sign shall be placed on any transit shelter or associated advertising kiosk located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat

DOCUMENT DELIVERED SUPERVISOR KAUFMAN

Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake Merced Boulevard, or on Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign Districts as established in Section 608.3 of this Code;

The provisions of this subsection shall be subject to the authority of the San Francisco Port Commission under Sections 4.114 and B3.581 of the City Charter and under State law.

(k) Information plaques or signs which identify to the public open space resources, architectural features, creators of artwork, or otherwise provide information required by this Code or by other City agencies, or an identifying sign which directs the general public and/or patrons of a particular establishment to open space or parking resources, provided that such sign shall not project more than three inches from the wall and that its dimensions shall be no greater than one by two feet;

(l) Nonilluminated art murals within the South of Market Base District, if they project no more than 18 inches from the pre-existing surface of a structure;

(m) Two general advertising signs each not exceeding 52 square feet in area on a public service kiosk furnished by contract with the Department of Public Works which contract also provides for the installation and maintenance of automatic public toilets. Each such public service kiosk shall be divided into three sections, one of which shall provide a public service, such as a newsstand, newsrack, map, public telephone, vending machine, display of public service information, or interactive video terminal.

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(n) Advertising placed on fixed pedestal newsrack units in accordance with section 184.12 of the Public Works Code.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
DAVID A. GREENBURG
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue Room 308
San Francisco CA 94102-4532

File Number: 980944 **Date Passed:**

Ordinance amending Section 603 of the Planning Code to exempt advertising on fixed pedestal newsracks from Planning Code requirements regulating signs

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 2, 1998 Board of Supervisors FINALLY PASSED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

File No. 980944

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 2, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 1 3 1998

~~NOV 1 3 1997~~

Date Approved

Mayor Willie L. Brown Jr.

File No. 980944 continued...

FILE NO. 98-1038

IN COMMITTEE - 10/20/98
As Amended in Board - 10/26/98
ORDINANCE NO. 341 98

[Excavation in the Public Right-of-Way]

AMENDING PART II, CHAPTER 10 OF THE SAN FRANCISCO MUNICIPAL CODE (PUBLIC WORKS CODE) BY REPEALING ARTICLE 8 (EXCAVATIONS IN STREETS), REPEALING SECTIONS 672 AND 673 OF ARTICLE 14 (UNDERGROUND PIPES, WIRES AND CONDUITS), AND ADDING ARTICLE 2.4 (EXCAVATION IN THE PUBLIC RIGHT-OF-WAY), INCLUDING SECTION 2.4.44 TO IMPOSE A NEW STREET DAMAGE RESTORATION FEE; AUTHORIZING ESTABLISHMENT OF THE STREET CONSTRUCTION COORDINATION CENTER AND REQUESTING OTHER OFFICIAL ACTIONS IN CONNECTION THEREWITH; MAKING FINDINGS FOR THESE AMENDMENTS; AND AMENDING ARTICLE XIII OF CHAPTER 10 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.117-119 TO CREATE A FUND FOR COLLECTION OF STREET DAMAGE RESTORATION FEES AND ADDING SECTION 10.117-120 TO REESTABLISH THE EXCAVATION FUND FOR THE COLLECTION OF OTHER DEPOSITS, FEES, AND PENALTIES IMPOSED BY ARTICLE 2.4.

Note: Additions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. **FINDINGS**. The Board of Supervisors finds that:

(a) Excavation in City streets can significantly disrupt and interfere with public use of the streets. Among other things, excavation can disrupt traffic flow, impeding public transportation such as buses and street cars that travel on fixed, scheduled routes, and creating barriers for pedestrians and bicyclists to navigate. Additionally, obstruction of streets during excavation can result in a loss of parking to nearby businesses and residents. Noise and debris from excavation can further inconvenience nearby businesses and residents and

limit access to their premises. These impacts can be magnified when a street is subject to multiple excavations within a relatively short period of time.

(b) It is desirable to revise the Public Works Code to modify the existing street excavation permitting process to improve and encourage coordination of street work in order to minimize disruption to traffic flow, limit inconvenience to San Francisco businesses, residents and visitors, and provide for the public health, safety and well-being. Coordination of excavations can be improved and encouraged through a number of means.

(c) Major excavation projects should be undertaken jointly and, with limited exceptions, there should be a moratorium on excavation in City streets that have been repaved in the past five (5) years.

(d) Excavators should also be required to submit five-year plans of anticipated major excavations that will allow the Department of Public Works to identify conflicts and opportunities for coordinating street excavation with repaving while protecting confidential information submitted by excavators.

(e) The street excavation permitting process should enhance the public's access to information about construction in streets by requiring excavators to provide notice of major excavation projects to the surrounding communities and to place explanatory signs at the excavation site.

(f) The street excavation permitting process should minimize the impact of construction on neighborhood residents and businesses by enforcing cleanliness and safety standards for construction sites, imposing strict timelines for construction, and requiring excavators to install finished pavement with a uniform visual appearance.

(g) The Department of Public Works should have the authority to enforce violations of the street excavation permitting process through the imposition of civil, criminal, or administrative penalties.

(h) The impacts of excavation do not end when construction is complete. The Department of Public Works has sponsored two studies, prepared by a panel of engineering, statistical and economic experts, which demonstrate that excavation increases taxpayer costs to maintain City streets because it accelerates the deterioration and reduces the service life of streets. The Engineering Report commissioned by the Department of Public Works concludes that street damage occurs no matter how well the excavation is restored, and the more excavations that occur in a street, the more the street is damaged. Both the Engineering Report and the Economic Report, completed in September and October of 1998, respectively, are available in the Board of Supervisors' file. Studies performed in a number of cities, including the California cities of Los Angeles and Sacramento, confirm the findings of the City's reports.

(i) The City's streets are a valuable public asset which the City holds in trust for its citizens. The City spends millions of tax dollars every year to maintain this public asset. The Economic Report commissioned by the Department of Public Works concludes that excavation costs City taxpayers an additional $3.3 to $5.1 million annually in increased street maintenance because of the damage it causes. Consequently, it is reasonable and in the public interest to impose a Street Damage Restoration Fee to be paid by excavators in order to recover the increased repaving and reconstruction costs caused by excavation which are currently born by taxpayers. It is also reasonable and in the public interest to structure the fee, and any exclusions from the fee, in a manner which discourages excavation in newly paved streets and encourages excavators to minimize excavation and to coordinate necessary excavation with the Department of Public Works' repaving schedule. Consequently, among other things, it is appropriate for the Street Damage Restoration Fee to be higher for newer streets, and lower for older streets and those scheduled for imminent repaving.

(j) The Economic Report estimates that the square foot cost to the City of excavation is between $5.37 and $8.38. Consequently, if the Street Damage Restoration Fee is $3.50 or less per square foot of excavation, the City's proceeds from the fee will not exceed the repaving and reconstruction costs incurred by the City that are reasonably attributable to the impact of excavation in City streets, and no individual excavator will be charged a fee that exceeds the reasonable costs of the impact of that party's excavation on the need for repaving and reconstruction of City streets. Proceeds collected from the Street Damage Restoration Fee shall be used solely for repaving and reconstruction of City streets.

(k) To ensure that proceeds from the Street Damage Restoration Fee do not exceed the repaving and reconstruction costs incurred by the City that are reasonably attributable to excavation, a separate fund should be created to deposit proceeds from the fee. Additionally, the Department of Public Works shall report to the Board of Supervisors regarding the proceeds collected and costs incurred, and a refund shall be granted to excavators in the event that proceeds from the fee exceed costs incurred that are reasonably attributable to excavation.

(l) In a further effort to minimize disruption caused by excavation and other construction in City streets, the City shall create a Street Construction Coordination Center which will be responsible for planning and coordinating excavation in streets. In addition, the Director shall undertake efforts to inform the public, private and public excavators, and this Board about the progress of this legislation.

Section 2. Part II, Chapter 10 of the San Francisco Municipal Code (Public Works Code) is hereby amended by repealing Article 8 (Excavations in Streets) in its entirety as follows:

((ARTICLE 8

EXCAVATIONS IN STREETS

Sec. 335. Excavating in or Upon Street, Etc., Prohibited—Exception.
Sec. 336. Department to Adopt Regulations.
Sec. 337. Excavations Confined to Description in Application.
Sec. 338. Application—Approval—Deposits—Bond.
Sec. 339. Certificate of Authorization—Not Transferable—Extension of Time.
Sec. 341. (Repealed)
Sec. 342. Restoration of Streets—Penalty.
Sec. 343. Regulating Advance Excavations.
Sec. 344. Replacement of Pavement.
Sec. 345. Side or Lateral Tamping Prohibited For Fills.
Sec. 346. Repaving—Clearing Streets—Time Allowed.
Sec. 347. Streets Opened for "Prospecting"—Repaving.
Sec. 348. Clearing Street Obstructions—Strikes.
Sec. 349. Defects Appearing After Completion—Duty to Repair—Expense.
Sec. 350. Materials—Quality—Sign at Excavation.
Sec. 351. Notice to Complete Work—Completion by Department.
Sec. 352. Excavation Fees.
Sec. 352.1 Gas Service Relocation Fee.
Sec. 352.2 Collection of Excavation Fees.
Sec. 353. Definitions—"Excavation"—"Permit"—"Block."
Sec. 354. Deposit Retained For Three Years—Deductions.
Sec. 355. Special Deposits—Retention—Return.
Sec. 356. Return of General Deposit.
Sec. 357. Decision of Department as to Cost of Work Final.

Sec. 358. Special "Excavation Fund" Established—Payments From.
Sec. 359. Supervision of Work.
Sec. 361. Abandonment of Underground Pipes, Etc.—Report—Maps.
Sec. 362. Department May Delegate Power to Issue Certificates—Register Of.
Sec. 363. Laying of Pipes, Etc., Without Permission, Forbidden.
Sec. 364. Definition of "Service Connection."
Sec. 365. Certificate to be Exhibited.
Sec. 366. Provisions Applicable to Certain Works.
Sec. 367. Provisions not Applicable to Official Work Performed by City Employees.
Sec. 368. Emergency Excavations—Procedure.
Sec. 369. Certificate Subject to Lawful Use of Street by Others.
Sec. 370. Liability for Damages—City and City Officers Exempted.
Sec. 371. Penalty.
Sec. 372. Side-Sewer and Sub-Sidewalk Construction Not Affected.
Sec. 373. Use of Labor-Saving Devices Authorized.
Sec. 374. Moratorium.

SEC. 335. EXCAVATING IN OR UPON STREET, ETC., PROHIBITED — EXCEPTION. It shall be unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavation in or under the surface of any public street, alley, sidewalk or other public place for the installation, repair or removal of any pipe, conduit, duct or tunnel, or for any other purpose, except side sewers and subsidewalk areas, without first obtaining from the Department of Public Works a written certificate that such person, firm or corporation is entitled to make such excavation and making a deposit to cover the cost of inspection and of restoring such public street, alley, sidewalk or other public place to its original condition,

together with the incidental expenses in connection therewith, all as hereinafter in this Article provided. The Department of Public Works, before issuing such certificate, shall require:

(a) Written Application. A written application for each excavation, upon a form to be furnished by the Department of Public Works to be made and filed with said department, wherein the applicant shall set forth the name and residence or business address of the person, firm or corporation making such application, and shall state in detail the location and approximate area of such excavation intended to be made and shall state the purpose for which the excavation is to be made and used;

(b) Plat of Proposed Excavation. The presentation of a plat in duplicate showing the location of each proposed excavation and the dimensions thereof, and such other details as the Department of Public Works may require to be shown upon such plat;

(c) Legal Authority for Use. That the applicant show legal authority to occupy and use, for the purpose mentioned in said application, the streets, alleys, sidewalks or other public places wherein the excavation is proposed to be made;

(d) Material Ready for Use. That all the material to be used in any excavation will be on hand in the City and County ready for use before any portion of such excavation is made, otherwise any certificate issued shall be void.

SEC. 336. DEPARTMENT TO ADOPT REGULATIONS. The Department of Public Works shall adopt such regulations for the location, size and depth of such excavations as it may deem necessary for the public welfare. Such regulations shall include a requirement that bridges flush with the pavement shall be maintained over all excavations in street crossings for the full width and length of such excavation; also over service trenches suitable coverings shall be maintained, and all excavations parallel to the curb not at street crossings or intersections shall be fenced where trenches are open.

SEC. 337. EXCAVATIONS CONFINED TO DESCRIPTION IN APPLICATION. It shall be unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavation, or to install or cause or permit to be installed any tank, pipe, conduit, duct or tunnel, except side sewers and sub-sidewalk areas, in or under the surface of any public street, alley, sidewalk or other public place at any location, other than that described in the application and shown on the plats, filed by such person, firm or corporation, as required by the provisions of this Article.

SEC. 338. APPLICATION — APPROVAL — DEPOSITS — BOND. When the application to excavate and the details shown upon the accompanying duplicate plats, when such plats are required, comply with the terms of this Article and the regulations of the Department of Public Works, the application and duplicate plats shall be approved by the City Engineer's office. After such approval one of the duplicate plats shall be filed in the office of the City Engineer as a public record. The application and the other duplicate plat shall be filed with the Department of Public Works, together with a special deposit of $10,000 per square foot of surface of each such excavations to be made in streets or other public places; provided, that no deposit shall be less than $10,000; and provided, further, that any person, firm or corporation intending to make excavations in public streets, alleys or other public places may make and maintain with the said Department of Public Works a general deposit in the sum of $25,000, which general deposit shall be used for the same purpose as the special deposits described hereinbefore in this Section, or may, in lieu thereof, execute and file with the Department of Public Works a bond in the penal sum of $25,000, with some surety company authorized to do business in the State of California as surety thereon, running in favor of the City and County of San Francisco, conditioned that such person, firm or corporation shall make all payments required to be made by him or it under and pursuant to this Article, and while such general deposit is maintained at the said sum of $25,000 or while

no breach of condition of said bond shall occur such person, firm or corporation shall not be required to make the special deposits hereinbefore in this Section provided for, but shall be required to file a written application for a permit for each such excavation and duplicate plats showing the location thereof, as in this Article provided, and to comply with all of the other provisions of this Article. If a general deposit is made the Department of Public Works shall deduct from the same all amounts due under the provisions of this Article for each calendar month from the person, firm or corporation maintaining the same and shall render a statement of such deductions at the end of each month to said person, firm or corporation who must, within five days, restore said deposit to its original amount. If a bond is executed and filed hereunder, the Department of Public Works shall each month render to the person, firm or corporation filing the same a statement showing the amount of the payments due from him or it hereunder, for such month and such person, firm or corporation must, within five days, pay such amount to the Department of Public Works pursuant to this Article.

SEC. 339. CERTIFICATE OF AUTHORIZATION — NOT TRANSFERABLE — EXTENSION OF TIME. Upon receiving a written application, as provided in Section 335 of this Article, and one of the duplicate plats, when such plats are required, each bearing the approval of the City Engineer, and the general or special deposit required by Section 338 of this Article, the Department of Public Works shall issue a certificate in writing, which shall be evidence of the right of the person, firm or corporation therein named to make such excavation, and shall open and keep an account thereof; provided, however, that the Department of Public Works shall not issue such certificate unless the applicant has legal authority to occupy and use, for the purpose mentioned in the application, the streets, alleys, sidewalks or other public places covered by said application.

Such certificate shall state whether the work to be done is covered by a general or special deposit, and, if a special deposit, shall state the amount thereof and shall be a receipt

therefor. It shall also specify the person, firm or corporation to whom the same is issued, the street, alley or other public place and the particular portion or portions thereof to be excavated and the approximate extent of such excavation. No certificate shall be transferable. The certificate shall state a time when all of the work to be done thereunder shall be completed and every such certificate shall become and be void unless the excavation to be made pursuant thereto is commenced within six months from the date of issuance of said certificate and the work diligently prosecuted as in this Article required; provided, however, that the Department of Public Works may grant not to exceed one extension of time for a period not exceeding 30 days, such extension to be granted in the same manner as the original certificate.

(a) Penalty. In case any excavation made in accordance with any certificate shall not be refilled and the pavement restored within the time stated therein, or within the time as extended as herein permitted, then the sum of $25 for each day such work is thereafter incompleted shall be deducted from the deposit made as required by Section 338 of this Article.

SEC. 342. RESTORATION OF STREETS — PENALTY. In every case the street or thoroughfare so opened or torn up shall be restored by the person, firm or corporation opening or tearing up the same, in the manner and with the material in this Article provided, and to as good a condition as it was in before the opening or tearing up thereof

The person, firm or corporation opening or tearing up any pavement shall assume the full responsibility for all reconstruction and repairs as aforesaid, and shall be subject to the penalties hereinafter in this Article provided in case the work of such repairs and reconstruction was not properly performed.

SEC. 343. REGULATING ADVANCE EXCAVATIONS. No trench shall be opened in any graded street or thoroughfare for the purpose of laying pipes or conduits more than 600

feet in advance of the pipe or conduit placed therein, except in case of emergency and by consent of the Department of Public Works. All such trenches shall be backfilled and the old torn-up pavements shall be removed from the street, together with the surplus excavated material, within three working days from the time such material is placed upon the street, except by the written consent of the Department of Public Works.

SEC. 344. REPLACEMENT OF PAVEMENT. Pavement shall be restored within seven working days from the time the trench was backfilled in the manner specified by order of the Director of Public Works.

On major streets designated by the Director of Public Works during the period following the laying of the concrete base to the relaying of the wearing surface such concrete shall be covered with steel plates ramped to the elevation of the contiguous pavement.

SEC. 345. SIDE OR LATERAL TAMPING PROHIBITED FOR FILLS. Whenever any caving occurs in the side walls of any excavation, the pavement above such paving shall be cut away, and in no case shall any void under a pavement be filled by any side or lateral tamping.

SEC. 346. REPAVING — CLEARING STREETS — TIME ALLOWED. In every case the work or repaving over all trenches must be commenced immediately after said trenches are backfilled, and the work of clearing up the streets is to be considered a part of the repaving work, and shall be finished within the same time allowed in all cases for said repaving and to the satisfaction of the Department of Public Works.

SEC. 347. STREETS OPENED FOR "PROSPECTING" — REPAVING. When a street is opened for the purpose of what is known as prospecting or for the purpose of making repairs or alterations to pipes or conduits, as soon as the work of such repairs and alterations is finished, the trench shall be backfilled and pavement restored in the manner and within the

time allowed for the restoration of the same kind and character of pavements over main or service trenches.

SEC. 348. CLEARING STREET OBSTRUCTIONS — STRIKES. In every case and at all times the work of removal from the streets of all obstructions, surplus materials and debris or waste matter of every description caused and accumulated by said work of opening and restoring public streets and thoroughfares, shall be kept up jointly with the work of backfilling and repaving either over "main" or "service" trenches, and all finished together — or nearly so and within the time herein allowed in Sections 342 to 347, inclusive, of this Article, and in all cases the surface of the street shall be restored to as good a condition as it was in before the work of opening commenced.

When any of the work required to be done by Sections 343 to 348, inclusive, of this Article is necessarily delayed by any strike or strikes, such delay shall be added to the time limits therein prescribed.

SEC. 349. DEFECTS APPEARING AFTER COMPLETION — DUTY TO REPAIR — EXPENSE. In case the pavement or surface of the street over said openings should become depressed or broken at any time after the work has been completed — natural wear of the surface or improper work of some other person, firm or corporation excepted — the person, firm or corporation for whom the street was opened shall, upon a written notice from the Department of Public Works, immediately proceed to repair and restore said pavement in a proper and workmanlike manner to the satisfaction of the Department of Public Works immediately and it is hereby expressly declared that the fact that the original work of restoring said pavement or surface was subject to the inspection or inspected by or under the authority of the Department of Public Works as in this Article provided shall not excuse such person, firm or corporation from the duty and obligation imposed by this Article.

When the street was opened for any department, board or officer of the City and County of San Francisco in the discharge of its, his or her official duty, the written notice shall be sent to the person or firm who actually opened the street, and it shall be the responsibility of such person or firm to repair and restore the pavement.

In case said pavement is not completely restored within 30 days after such notice has been given, and unless delayed by a strike or strikes, or conditions beyond their control, the said Department shall thereupon do the work at the expense of said delinquent person, firm or corporation.

SEC. 350. MATERIALS — QUALITY — SIGN AT EXCAVATION. All materials shall be furnished by the party or parties for whom the work is being done, and said material shall be of the best quality in strict accordance with the City's Standard Specifications, and all the work shall be performed in a proper and workmanlike manner in compliance with the Rules and Regulations and to the satisfaction of the Department of Public Works. The person, firm or corporation, during the progress of the work, shall maintain a sign at such excavation bearing the name of such person, firm and the address and telephone number at which the person or firm may be reached at any time during the day or night.

SEC. 351. NOTICE TO COMPLETE WORK — COMPLETION BY DEPARTMENT. In case any part of the work herein referred to, such as refilling of trenches, restoring the pavements or clearing the streets, is not completed within the time required by Sections 339 to 348, inclusive, of this Article (excepting by reason of legal holidays or delays caused by strike or strikes), or unless the Department of Public Works shall in its discretion allow further time for the work that cannot be reasonably so performed, the said Department shall notify in writing the person, or firm doing the work to complete the same within 48 hours thereafter, legal holidays excepted, and in case said work should not be so completed within 48 hours after said notice has been received, the Department of Public Works shall have full power to

do said work, or may contract for the performance of said work, and the reasonable cost thereof shall be deducted from the general or special deposit of the delinquent person or firm. If, in the judgment of the Director of Public Works or his designated representative, the construction defect is considered hazardous or if it constitutes a public nuisance, requiring immediate action, the Director may order the condition remedied by written or oral, including telephonic communication to the person or firm specified on the sign described in Section 350. If the person or firm doing the work cannot be reached or does not take immediate action, the Department of Public Works shall have full power to do said work, or may contract for the performance of said work, and the reasonable cost thereof, including administrative expense, shall be deducted from the general or special deposit of the delinquent person, firm or corporation.

SEC. 352. EXCAVATION FEES. The Department of Public Works shall collect for any excavation permit, under the authority of which the excavation was made an amount equal to $0.80 per square foot of pavement to be excavated, plus a $50 processing fee for each permit to cover the cost of incurred by the Department of Public Works in the exercise of its duties pursuant to this Article and for the administration, supervision and inspection of the permitted excavation.

In addition to the fees provided for hereinabove, the Director is authorized to deduct or collect amounts to compensate the Department for any and all special costs including but not limited to overtime, weekend or night work, or other work for which the Department may incur more than the normal anticipated cost for administration, supervision and inspection, and for any and all extraordinary costs, including but not limited to costs arising from unanticipated or emergency work incidental to the permitted excavation.

SEC. 352.1. GAS SERVICE RELOCATION FEE. In addition to the fees provided for in Section 352 of this Article, the Director of Public Works or his or her designated

representative is authorized to deduct or collect a fee of $35 for each gas house-line relocated as part of a gas main replacement.

SEC. 352.2. COLLECTION OF EXCAVATION FEES The Director of Public Works is authorized to establish procedures for efficient and effective billing and collection of the fees provided for in Section 352 of this Article. The Director in his or her discretion may require any permittee to deposit in advance of undertaking any excavation, a sum representing the estimated fees anticipated to be incurred for said excavation within any fiscal year, from which deposit any fees attributable to said permit work may be deducted as provided in Section 352 of this Article. Prior to requiring any permittee to deposit estimated fees in advance of any excavations the Director shall consider the permittee's record of past payment

SEC. 353. DEFINITIONS — "EXCAVATION" — "PERMIT" — "BLOCK." For the purpose of this Article, an "excavation" shall be defined as an opening in or beneath any public street, alley, sidewalk or other public place. A "block" shall be defined as the area of a street from property line to property line in width and extending from the centerline of one intersecting street to the centerline of the next intersecting street. At the discretion of the Director, all excavations within one block or a continuous excavation extending more than one block and occurring within the same time period may be considered one excavation for purposes of computing the fees provided for in Section 352 of this Article.

SEC. 354. DEPOSIT RETAINED FOR THREE YEARS — DEDUCTIONS. The balance of each such deposit, after the deductions hereinbefore provided for have been made, shall be retained by the City and County of San Francisco for three years from the date of the completion of the work.

The said City and County shall also deduct the cost of any work done or repairs made by the Department of Public Works, as provided for in this Article, from any and all deposits

then on hand, belonging to or that may thereafter be made by any person or firm required by this Article to do any work or to make any repairs under the provisions of Sections 349, 350 and 351 of this Article, and who shall have failed, refused or neglected to perform such work or to make such repairs.

SEC. 355. SPECIAL DEPOSITS — RETENTION — RETURN. Each special deposit made pursuant to the provisions of this Article shall be retained by the City and County of San Francisco for a period of three years after the completion of the refilling of the excavation on account of which such special deposit was made, and at the expiration of such period of three years, such special deposit, less the deductions made pursuant to this Article, shall be returned to the person, firm or corporation making the same, or to such person's or firm's assigns.

SEC. 356. RETURN OF GENERAL DEPOSIT. Each general deposit made pursuant to the provisions of this Article may be returned at any time to the person, firm or corporation making the same, or to his or its assigns, after first making the deductions therefrom authorized by this Article; provided, however, that the City and County of San Francisco shall retain, of each general deposit, such amounts and for such period of time as would be required by this Article if the amount of such general deposit had been paid as special deposits for permits for the several excavations made by reason of such general deposit.

SEC. 357. DECISION OF DEPARTMENT AS TO COST OF WORK FINAL. The decision of the Department of Public Works as to the cost of any work done or repairs made by it or under its direction pursuant to the provisions of Sections 349, 350 and 351 of this Article shall be final and conclusive as to such cost.

SEC. 358. SPECIAL "EXCAVATION FUND" ESTABLISHED — PAYMENTS FROM All the moneys paid to the Department of Public Works under the provisions of Sections 352 to 354, inclusive, of this Article shall be deposited with the Treasurer to the credit of a special

fund hereby created and designated "Excavation Fund," to be used to defray the cost of inspection made necessary by reason of such excavation and repairs.

All costs of inspection shall be paid from said last named fund, on a warrant drawn by the Controller on demands approved by the Department of Public Works and returns of any deposit shall be made in like manner.

The cost of all repairs made to pavements by the Department of Public Works by reason of the failure of any person, firm, or corporation to make the same when required to do so under the provisions of this Article shall also be paid out of said fund and charged against the general or special deposit made by said person, firm or corporation.

SEC. 359. SUPERVISION OF WORK. All excavations, refilling of excavations and repairing of street surfaces, pursuant to the provisions of this Article, shall be made under the supervision and direction of the Department of Public Works. It shall be the duty of the said department to supervise and direct all such making and refilling of excavations and repairing of street surfaces.

SEC. 361. ABANDONMENT OF UNDERGROUND PIPES, ETC. — REPORT — MAPS Whenever any pipe, conduit, duct, tunnel, or other structure located under the surface of any public street, alley or other public place, or the use thereof, is abandoned, the person, firm or corporation owning, using, controlling or having an interest therein, shall, within 30 days after such abandonment, file in the office of the City Engineer a statement in writing, giving in detail the location of the pipe, conduit, duct, tunnel or other structure so abandoned. Each map or set of maps filed pursuant to the provisions of this Article shall show in detail the location of all such pipes, conduits, ducts, tunnels or other structures abandoned subsequent to the filing of the last preceding map or set of maps.

It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to file any map or set of maps at the time, and in all respects as required by this Article.

SEC. 362. DEPARTMENT MAY DELEGATE POWER TO ISSUE CERTIFICATES — REGISTER OF. The power to issue certificates for service connections may be delegated by the Department of Public Works to its secretary or other employee or assistant of such Department. A register shall be kept by said Department showing the date and location of each excavation for which a certificate has been granted.

SEC. 363. LAYING OF PIPES, ETC., WITHOUT PERMISSION, FORBIDDEN. Individuals, corporations, agents or their employees, are strictly forbidden to lay main pipes, conduits, etc., in any excavation made by the city or its contractors, except by permission of the Department of Public Works.

SEC. 364. DEFINITION OF "SERVICE CONNECTION." For the purpose of interpreting the provisions of this Article, the term "service connection" as herein used shall be taken to mean a branch pipe or conduit between a main pipe or conduit and a building or buildings which are to be supplied with heat, light, power, water or telephone, telegraphic or signal service from said main pipe or conduit.

SEC. 365. CERTIFICATE TO BE EXHIBITED. Any person, firm or corporation engaged in the making or refilling of any excavation in any public street, alley or other public place shall at all times while such work is in progress, keep at the place where such excavation is located the original certificate (or the number thereof) for such excavation and must, on demand, exhibit the same to the Department of Public Works, or to any police officer.

SEC. 366. PROVISIONS APPLICABLE TO CERTAIN WORKS. None of the provisions of this Article shall apply to any work done or to be done along, in or upon any public street, alley or other public place pursuant to any law of the State of California, providing for the improvement thereof, or to any work done or to be done along, in or upon any such street, alley or other public place pursuant to any contract for improvement

authorized by the Board of Supervisors; provided, however, that the provisions contained in Sections 343 to 348, inclusive, of this Article shall apply to all such work and to all excavations to be made along, in or upon any public street, alley or other public place.

SEC. 367. PROVISIONS NOT APPLICABLE TO OFFICIAL WORK PERFORMED BY CITY EMPLOYEES. The provisions of this Article shall not apply to excavations made by any department, board or officer of the City and County of San Francisco in the discharge of its, his or her official duty when such work is performed directly by City employees. Nothing in this Section shall be construed to exonerate an independent contractor from legal liability for violations of the provisions of this Article when such contractor performing any work for a department, board or officer under a contract entered into in discharge of its, his or her official duty.

SEC. 368. EMERGENCY EXCAVATIONS — PROCEDURE. Nothing in this Article contained shall be construed to prevent any person, firm or corporation maintaining any pipe or conduit in any public street, alley or other public place, by virtue of any law, ordinance or permit, from making such excavation as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the City are closed; provided, that the person, firm or corporation making such excavation shall apply for a permit therefor as herein required within four hours after the offices of the City are first opened subsequent to the making of such excavation. The fees for any such excavation shall be as provided for in Section 352 of this Article.

SEC. 369. CERTIFICATE SUBJECT TO LAWFUL USE OF STREET BY OTHERS. Every certificate for an excavation in or under the surface of any public street, alley or other public place shall be issued subject to the right of the City and County of San Francisco or of any other person, firm or corporation entitled thereto, to use that part of such street, alley or other public place for any purpose for which such street, alley or other public place may

lawfully be used.

SEC. 370. LIABILITY FOR DAMAGES — CITY AND CITY OFFICERS EXEMPTED. Neither the City and County nor officer or employee thereof shall be held responsible for any damage caused by any excavation in the street made by or for any person, firm or corporation but such person, firm or corporation shall be solely liable for any damage or loss occasioned by any act or neglect in respect to such excavation.

SEC. 371. PENALTY. In case any person or firm shall violate the requirements of this Article, order of the Director of Public Works, or permit condition, the Director of Public Works, or his designated representative shall issue a Warning of Violation of the offending party. Should the violation continue the sum of $100 for each day of said violation shall be deducted from the deposit made as required by Section 338 of this Article.

In case any person or firm is found performing work without the permits required by this Public Works Code, the Director of Public Works or his designated representative shall order, in writing that such work be stopped and shall deduct the sum of $1,000 from any deposit made as required by Section 338 of this Article.

Any person or firm refusing to stop work when ordered to do so by written notice of the Director of Public Works or his designated representative, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than $1,000 nor more than $5,000 or by imprisonment in the County Jail for a period of not less than five days nor more than six months or by both such fine and imprisonment.

SEC. 372. SIDE-SEWER AND SUBSIDEWALK CONSTRUCTION NOT AFFECTED. This Article shall not be construed as affecting in any manner any ordinance regulating the construction of side sewers or for excavating or maintaining subsidewalk areas.

SEC. 373. USE OF LABOR-SAVING DEVICES AUTHORIZED. No construction contract or agreement to which the City and County of San Francisco is a party shall include

any terms or conditions which limit or restrict production or the use of machinery, tools, or other labor-saving devices, except as such limitation or restriction in specific cases shall be necessary to avoid public nuisance or protect public health, safety or facilities. It is declared to be the general policy of the City and County of San Francisco that there shall be no limitation or restriction on production or the use of machinery, tools, or other labor-saving devices; provided, that the contractor operating the same shall assume legal liability for damage to property of others, including utilities, resulting from the operation of such machinery, tools or other labor-saving devices. Where such limitation or restriction is necessary to avoid nuisance or protect public health, safety or facilities, the contract or agreement limiting or restricting such production or the use of machinery, tools, or other labor-saving devices shall specify the location, basis for, and conditions pertaining to such limitation or restriction. The terms hereof are intended to include, but are not restricted to, automatic rapid pavement breakers or other such types of equipment.

SEC. 374. MORATORIUM. No excavations shall be allowed in or beneath any public street, alley, or other public place for a period of three years from the completions of street resurfacing or reconstruction; provided, however, that the Director of Public Works may adopt rules and regulations to allow exceptions to this moratorium when such exceptions would benefit the public; and further provided that the inspection cost to be charged shall be as specified in Section 352.))

Section 3. Part II, Chapter 10 of the San Francisco Municipal Code (Public Works Code) is hereby amended by repealing Sections 672 and 673 of Article 14 (Underground Pipes, Wires and Conduits) as follows:

((**SEC. 672. NOTICE OF INTENTION TO BE GIVEN TO PRIVILEGE HOLDERS** When the Director of Public Works shall deem it necessary to pave or repave any public

street he shall serve notice upon every person, firm or corporation having pipes or conduits within the City and County used for the purposes herein specified, of his intention to so pave or repave such street.

SEC. 673. NOTICE OF INTENTION — TIME — REGULATION FOR OPENING NEW PAVEMENT. Such person, firm or corporation, within 10 days thereafter may exercise the rights herein granted as to the roadway of such streets upon written notice given to said department of its intention to do so. The right to lay down new pipes or conduits in said street for such purpose shall continue for 30 days after the service of the notice aforesaid, but not longer unless the time shall be extended by a resolution of the Board of Supervisors. No street pavement laid after the passage of this Article shall be opened for a greater length than 100 yards for the purpose of laying pipes and conduits in the street for supplying gas or electricity for a period of one year after the construction of such pavement, except with the consent of the Board of Supervisors.))

Section 4. Part II, Chapter 10 of the San Francisco Municipal Code (Public Works Code) is hereby amended by adding Article 2.4 (Excavation in the Public Right-of-Way) to read as follows:

ARTICLE 2.4

EXCAVATION IN THE PUBLIC RIGHT-OF-WAY

SUBARTICLE I - GENERAL PROVISIONS

Sec. 2.4.1. Excavation in the Public Right-of-Way.
Sec. 2.4.2. Permits Required to Excavate.
Sec. 2.4.3. Department Orders and Regulations.
Sec. 2.4.4. Definitions.

SUBARTICLE II - APPLICATIONS FOR PERMITS TO EXCAVATE

Sec. 2.4.10. Applications.
Sec. 2.4.11. Coordination of Excavation.
Sec. 2.4.12. Joint Excavation.

SUBARTICLE III - PERMITS TO PERFORM AN EXCAVATION

Sec. 2.4.20. Action on Applications for Permits to Excavate.
Sec. 2.4.20.1. Terms and Limitations.
Sec. 2.4.20.2. Duration and Validity.
Sec. 2.4.20.3. Non-Transferability of Permits.
Sec. 2.4.21. Moratorium Streets.
Sec. 2.4.22. Emergency Excavation.
Sec. 2.4.23. Liability and Indemnification.
Sec. 2.4.24. Permit to Be Available at Excavation Site.

SUBARTICLE IV - DEPOSITS AND FEES

Sec. 2.4.40. Deposit.
Sec. 2.4.41. Administrative Fee.
Sec. 2.4.42. Inspection Fee.
Sec. 2.4.43 Additional Fees for Excavation.
Sec. 2.4.44. Street Damage Restoration Fee.
Sec. 2.4.45. Report to Board of Supervisors.
Sec. 2.4.46. Collection and Return of Deposit and Fees.

SUBARTICLE V - EXCAVATIONS

Sec. 2.4.50. Notices.
Sec. 2.4.51. Notice for Marking of Subsurface Facilities.
Sec. 2.4.52. Limits upon Excavation in the Public Right-of-Way.
Sec. 2.4.53. Regulations Concerning Excavation Sites.

Sec. 2.4.54. Stop Work Order, Permit Modification, and Permit Revocation.
Sec. 2.4.55. Restoration of the Public Right-of-Way.

SUBARTICLE VI - POST-EXCAVATION REPAIR, MAINTENANCE, AND PAVEMENT FAILURE

Sec. 2.4.70. Repair and Maintenance Obligation of Permittee.
Sec. 2.4.71. Subsurface or Pavement Failures.
Sec. 2.4.72. Repair by the Department.
Sec. 2.4.73. Emergency Remediation by the Department.

SUBARTICLE VII - VIOLATION OF ARTICLE

Sec. 2.4.80. Violation of Article.
Sec. 2.4.81. Administrative Penalties and Costs.
Sec. 2.4.82. Civil Penalties and Fees.
Sec. 2.4.83. Criminal Fines.
Sec. 2.4.84. Deposit of Penalties into Excavation Fund.
Sec. 2.4.85. Suspension of Action on Applications.

SUBARTICLE VIII - MISCELLANEOUS

Sec. 2.4.90. Abandonment of Underground Facilities, Reports, and Maps
Sec. 2.4.91. Identification of Visible Facilities.
Sec. 2.4.92. City's Obligation.
Sec. 2.4.93. Time Limit on Commencement of Actions.
Sec. 2.4.94. Severability.

SUBARTICLE I - GENERAL PROVISIONS

SEC. 2.4.1. EXCAVATION IN THE PUBLIC RIGHT-OF-WAY. This Article 2.4 shall govern Excavation in the Public Right-of-Way within the City that is under the jurisdiction and control of the Department of Public Works. The Director of Public Works shall be responsible for managing the Public Right-of-Way.

SEC. 2.4.2. PERMITS REQUIRED TO EXCAVATE. (a) It is unlawful for any Person to make or to cause or permit to be made any Excavation in any Public Right-of-Way that is under the jurisdiction of the Department of Public Works without first obtaining from the Department a Permit authorizing such Excavation.

(b) The Department shall issue a Permit to Excavate only if the Applicant has the legal authority to occupy and use the Public Right-of-Way for the purposes identified in the application for the Permit.

(c) No Permit to Excavate shall be required when an Excavation is to be completed within a period of twenty-four (24) hours or less to install a parking meter, street light, street tree, traffic sign, traffic signal, or utility pole or to repair a utility box in a Sidewalk; or when an Excavation is in connection with the construction or maintenance of a sub-sidewalk basement; or when an Excavation is performed for the sole purpose of repairing a Sidewalk.

(d) Permit requirements pertaining to emergency Excavation are addressed in Section 2.4.22.

SEC. 2.4.3. DEPARTMENT ORDERS AND REGULATIONS. In addition to the requirements set forth in this Article, the Department may adopt such orders or regulations as it deems necessary in order to preserve and maintain the public health, safety, welfare, and convenience. Each Excavation in the Public Right-of-Way pursuant to this Article shall be performed in accordance with the Standard Plans and Specifications of the Department and any Department orders or regulations, except where the Director, in his or her discretion, grants prior written approval to deviate from such Standard Plans and Specifications, orders,

or regulations. The Director shall develop guidelines to implement the granting of waivers authorized pursuant to this Article. Furthermore, Excavation in the Public Right-of-Way shall conform to the orders, regulations, and rules of the Department of Parking and Traffic, including, but not limited to, the regulations adopted in accordance with Article 11 of the San Francisco Traffic Code (the "Blue Book").

SEC. 2.4.4. DEFINITIONS. For purposes of this Article, the following terms shall have the following meanings:

(a) "Applicant" shall mean any Owner or duly authorized agent of such Owner, who has submitted an application for a Permit to Excavate.

(b) "Article" shall mean this Article 2.4 of the Public Works Code.

(c) "Block" shall mean that part of the Public Right-of-Way that includes the street area from the property line to the parallel property line in width and extending from the property line of an intersecting street to the nearest property line of the next intersecting street in length. For purposes of this definition, an intersection also shall be considered a "Block".

(d) "City" shall mean the City and County of San Francisco.

(e) "Department" shall mean the Department of Public Works.

(f) "Deposit" shall mean any bond, cash deposit, or other security provided by the Applicant in accordance with Section 2.4.40 of this Article.

(g) "Director" shall mean the Director of the Department of Public Works or his or her designee.

(h) "Excavation" shall mean any work in the surface or subsurface of the Public Right-of-Way, including, but not limited to opening the Public Right-of-Way, installing, servicing, repairing or modifying any Facility(ies) in or under the surface or subsurface of the Public Right-of-Way, and restoring the surface and subsurface of the Public Right-of-Way.

(i) "Facility" or "Facilities" shall include, but not be limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an Owner or Person, that are located or are proposed to be located in the Public Right-of-Way.

(j) "Major Work" shall mean any reasonably foreseeable Excavation that will affect the Public Right-of-Way for more than fifteen (15) consecutive calendar days.

(k) "Moratorium Street" shall mean any Block that has been reconstructed, repaved, or resurfaced by the Department or any other Owner or Person in the preceding five (5) year period.

(l) "Municipal Excavator" shall mean any agency, board, commission, department, or subdivision of the City that owns, installs, or maintains a Facility or Facilities in the Public Right-of-Way.

(m) "Owner" shall mean any Person, including the City, who owns any Facility or Facilities that are or are proposed to be installed or maintained in the Public Right-of-Way.

(n) "Permit" or "Permit to Excavate" shall mean a Permit to perform an Excavation as it has been approved, amended, or renewed by the Department.

(o) "Permittee" shall mean the Applicant to whom a Permit to Excavate has been granted by the Department in accordance with this Article.

(p) "Person" shall mean any natural person, corporation, partnership, any Municipal Excavator, or any governmental agency, including the State of California or United States of America.

(q) "Public Right-of-Way" shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads,

Sidewalks, spaces, streets, and ways within the City, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the Department of Public Works.

(r) "Sidewalk" shall mean the area between the fronting property line and the back of the nearest curb.

(s) "Utility Excavator" shall mean any Owner whose Facility or Facilities in the Public Right-of-Way are used to provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers regardless of whether such Owner is deemed a public utility by the California Public Utilities Commission.

SUBARTICLE II - APPLICATIONS FOR PERMITS TO PERFORM AN EXCAVATION

SEC. 2.4.10. APPLICATIONS. (a) Applications shall be submitted in format and manner specified by the Department and shall contain:

(i) The name, address, telephone, and facsimile number of the Applicant. Where an Applicant is not the Owner of the Facility to be installed, maintained, or repaired in the Public Right-of-Way, the application also shall include the name, address, telephone, and facsimile number of the Owner.

(ii) A description of the location, purpose, method of Excavation, and surface and subsurface area of the proposed Excavation.

(iii) A plan showing the proposed location and dimensions of the Excavation and the Facilities to be installed, maintained, or repaired in connection with the Excavation, and such other details as the Department may require.

(iv) A copy or other documentation of the franchise, easement, encroachment permit, license, or other legal instrument that authorizes the Applicant or Owner to use or occupy the Public Right-of-Way for the purpose described in the application. Where the Applicant is not the Owner of the Facility or Facilities to be installed, maintained, or repaired,

the Applicant must demonstrate in a form and manner specified by the Department that the Applicant is authorized to act on behalf of the Owner.

(v) The proposed start date of Excavation.

(vi) The proposed duration of the Excavation, which shall include the duration of the restoration of the Public Right-of-Way physically disturbed by the Excavation.

(vii) Written acknowledgment that all material to be used in the Excavation, installation, maintenance, or repair of Facilities, and restoration of the Public Right-of-Way will be on hand and ready for use so as not to delay the Excavation and the prompt restoration of the Public-Right-Way.

(viii) Written acknowledgment that the Applicant and Owner are in compliance with all terms and conditions of this Article, the orders, regulations, and Standard Plans and Specifications of the Department, and that the Applicant and Owner are not subject to any outstanding assessments, fees, penalties that have been finally determined by the City or a court of competent jurisdiction.

(ix) A current Business Tax Registration Certificate issued by the San Francisco Tax Collector pursuant to Section 1003 of Part III of the San Francisco Municipal Code for the Applicant and the Owner.

(x) Evidence of insurance as required by Section 2.4.23 of this Article.

(xi) A Deposit as required by Section 2.4.40 of this Article.

(xii) Any other information that may reasonably be required by the Department.

(b) The Department may allow an Applicant to maintain documents complying with Subsections (iv), (ix), (x), and (xi) on file with the Department rather than requiring submission of such documents with each separate application.

SEC. 2.4.11. COORDINATION OF EXCAVATION. (a) **Five-year plans.**

(i) On the first day of April and October, or the first regular business day immediately thereafter, each Utility and Municipal Excavator shall prepare and submit to the Department a plan, in a format specified by the Department, that shows all Major Work anticipated to be done in the Public Right-of-Way in the next five (5) years. Any Utility or Municipal Excavator that does not propose Major Work in the next five (5) years shall submit a plan with a statement that no such Major Work is anticipated and shall immediately report any Major Work to the Department as soon as it becomes reasonably foreseeable.

(ii) The Department may disclose information contained in a five year plan to any Utility Excavator or Municipal Excavator only on a need-to-know basis in order to facilitate coordination among excavators and to avoid unnecessary Excavation in City streets. To the maximum extent permissible under federal, state, and local laws applicable to public records, the City shall not otherwise disclose to the public any information contained in a five-year plan submitted by a Utility Excavator that is proprietary, trade secret or is otherwise protected from disclosure; provided, however that the City shall have no duty to decline to disclose any information that the Utility Excavator has not identified on its face as proprietary, trade secret or otherwise protected from disclosure. The Department shall notify a Utility Excavator of any request for inspection of public records that calls for disclosure of any five-year plan on which any information has been identified as proprietary, trade secret or otherwise protected from disclosure. The Department shall consult with the City Attorney regarding any such request and shall inform the affected Utility Excavator either that the Department will refuse to disclose the protected information or, if there is no proper basis for such refusal, that the Department intends to disclose the requested information unless ordered otherwise by a court.

(b) **Department repaving plans.** (i) The Department shall prepare a five-year repaving plan showing all proposed repaving and reconstruction of the Public Right-of-Way

The Department's repaving plan shall be revised and updated on a semi-annual basis after receipt of the five-year plans from Utility and Municipal Excavators. In order to facilitate coordination and minimize the cost of Excavation, the Department shall make its repaving plan available for public inspection.

(ii) At least one hundred twenty (120) calendar days prior to undertaking the repaving and reconstruction of any Block, the Department shall send a notice of the proposed repaving and reconstruction to each Utility and Municipal Excavator.

(c) **Coordination.** (i) The Department shall review the five year plans and identify conflicts and opportunities for coordination of Excavations. The Department shall notify affected Owners and Permittees of such conflicts and opportunities to the extent necessary to maximize coordination of Excavation. Each Applicant shall coordinate, to the extent practicable, with each potentially affected Owner and Permittee to minimize disruption in the Public Right-of-Way.

(ii) When two (2) or more Applicants coordinate Major Work in the same Block so that, in the opinion of the Department, such Major Work minimizes disruption to the affected neighborhood, and is likely to qualify the Block for repaving, the Department shall make its best effort to schedule the affected Block for repaving. Such scheduling shall occur, to the extent funds are available in the Street Damage Restoration Fund, so that the Applicants may qualify for a waiver of the Street Damage Restoration Fee under Section 2.4.44(b)(ii). Notwithstanding the foregoing, nothing in this Subsection shall interfere with the Department's authority to allocate available repaving resources in a manner that it determines best serves the public interest.

SEC. 2.4.12. JOINT EXCAVATION. (a) **Municipal Excavators.** Whenever two (2) or more Municipal Excavators propose Major Work in the same Block within a five (5) year period, such Work shall be performed by one (1) Municipal Excavator. The participants to the

Excavation shall pay their pro rata share of the Work. For purposes of this Subsection, the Municipal Excavators shall be treated as a single Applicant and shall submit one (1) application.

(b) **Utility Excavators.** Whenever two (2) or more Utility Excavators propose Major Work in the same Block within a five (5) year period, such Work shall be performed by one (1) Utility Excavator. For purposes of this Subsection, the Utility Excavators shall be treated as a single Applicant and shall submit one (1) application.

(c) **Municipal Excavator and Utility Excavator.** Whenever a Municipal Excavator(s) and a Utility Excavator(s) propose Major Work in the same Block within a five (5) year period, the Department shall condition Permits for such Work in a manner that maximizes coordination and minimizes the total period of construction.

(d) **Waiver of joint Excavation requirements.** Applicants may seek a waiver of the joint Excavation requirements with respect to a particular Excavation. Within thirty (30) calendar days of receipt of a written request for a waiver, the Director, in his or her discretion, may grant a waiver to the joint Excavation requirements for good cause. In making his or her decision on the request for waiver, the Director shall consider the impact of the proposed Excavation on the neighborhood, the Applicant's need to provide services to a property or area, facilitating the deployment of new technology as directed pursuant to official City policy, and the public health, safety, welfare, and convenience. The Director shall indicate in written, electronic, or facsimile communication the basis for granting any waiver pursuant to this Subsection. The Director may place additional conditions on any Permit(s) subject to a waiver, including, but not limited to, the charging of additional fees pursuant to Section 2.4.43. The Director's decision regarding waivers of the joint Excavation requirements shall be final.

SUBARTICLE III - PERMITS TO EXCAVATE

SEC. 2.4.20. ACTION ON APPLICATIONS FOR PERMITS TO EXCAVATE.

(a) After receipt of an application for a Permit to Excavate, the Department, within a reasonable time period, shall determine whether an application is complete.

(b) If the application is deemed to be incomplete, the Department promptly shall advise the Applicant in a written, electronic, or facsimile communication of the reasons for rejecting the application as incomplete.

(c) If the application is deemed to be complete, the Department, in its discretion, may deny, approve, or conditionally approve the application.

(i) If the application is approved or conditionally approved, the Department shall issue a permit to the Applicant. The Department may condition a Permit with specified requirements that preserve and maintain the public health, safety, welfare, and convenience. The Department shall inform the Permittee of the basis for such requirements.

(ii) If the application is denied, the Department shall advise the Applicant in a written, electronic, or facsimile communication of the basis for denial.

SEC. 2.4.20.1. TERMS AND LIMITATIONS. The Permit shall specify the location, extent, and method of the Excavation, the start date and duration of the Excavation, the Permittee to whom the Permit is issued, and any conditions placed on the Permit.

SEC. 2.4.20.2. DURATION AND VALIDITY. Permits shall be void if the Excavation has not begun within thirty (30) calendar days of the start date specified in the Permit, if the Excavation is not prosecuted diligently to its conclusion, or if the Excavation, including restoration, has not been completed within the specified duration; provided, however, that the Director, in his or her discretion, may issue extensions to the start date, the duration of Excavation, or both upon written request from the Permittee.

SEC. 2.4.20.3. NON-TRANSFERABILITY OF PERMITS. Permits are not transferable from Owner to Owner.

SEC. 2.4.21. MORATORIUM STREETS. The Department shall not issue any Permit to Excavate in any Moratorium Street; provided, however, that the Director, in his or her discretion, may grant a waiver for good cause. The Director is specifically authorized to grant a waiver for an Excavation that facilitates the deployment of new technology as directed pursuant to official City policy. The Director shall issue his decision on a waiver within a reasonable period after receipt of a written request for a waiver. The Director may place additional conditions on a Permit subject to a waiver, including, but not limited to, the charging of additional fees pursuant to Section 2.4.43. The Director's decision regarding a waiver shall be final.

SEC. 2.4.22. EMERGENCY EXCAVATION. Nothing contained in this Article shall be construed to prevent any Person from taking any action necessary for the preservation of life or property or for the restoration of interrupted service provided by a Municipal or Utility Excavator when such necessity arises during days or times when the Department is closed. In the event that any Person takes any action to Excavate or cause to be Excavated the Public Right-of-Way pursuant to this Section, such Person shall apply for an emergency Permit within four hours after the Department's offices are first opened. The Applicant for an emergency Permit shall submit a written statement of the basis of the emergency action and describe the Excavation performed and any work remaining to be performed.

SEC. 2.4.23. LIABILITY AND INDEMNIFICATION. Each Permit, except one obtained by a Municipal Excavator, shall incorporate by reference and require the Permittee and Owner to comply with the liability, indemnity, insurance, and taxable possessory interest provisions set forth below in this Section; provided, however, that the Director, with the concurrence of the City Controller and City Risk Manager, may modify the indemnity and insurance provisions as they pertain to a particular Permit.

(a) **Liability upon Owner and Permittee.** Each Owner and Permittee is wholly responsible for the quality of the Excavation performed in the Public Right-of-Way and both the Owner and Permittee are jointly and severally liable for all consequences of any condition of such Excavation and any Facilities installed in the Public Right-of-Way. The issuance of any Permit, inspection, repair, or suggestion, approval, or acquiescence of any person affiliated with the Department shall not excuse any Owner or Permittee from such responsibility or liability.

(b) **Indemnification, defense, and hold harmless.** (i) Each Owner and Permittee shall agree on its behalf and that of any successor or assign to indemnify, defend, protect, and hold harmless the City, including, without limitation, each of its commissions, departments, officers, agents, and employees (hereinafter in this Subsection collectively referred to as "San Francisco") from and against any and all actions, claims, costs, damages, demands, expenses, fines, injuries, judgments, liabilities, losses, penalties, or suits including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from:

(1) any act by, omission by, or negligence of, Owner or Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the Excavation authorized by the Permit, or while in or about the property subject to the Permit for any reason connected in any way whatsoever with the performance of the Excavation authorized by the Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, Facility(ies), or structures authorized under the Permit;

(2) any accident, damage, death, or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the Excavation authorized by the Permit, or while in or about the property for

any reason connected with the performance of the Excavation authorized by the Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the Excavation authorized by the Permit;

(3) any accident, damage, death, or injury to any person(s) or accident, damage, or injury to any real or personal property in, upon, or in any way allegedly connected with the Excavation authorized by the Permit from any cause or claims arising at any time; and,

(4) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee about, in, on, or under the Excavation site subject to the Permit or the environment. As used herein, "hazardous material" means any gas, material, substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment. "Release" when used with respect to hazardous materials shall include any actual or imminent disposing, dumping, emitting, emptying, escaping, injecting, leaching, leaking, pumping, pouring, or spilling.

(ii) Upon the request of San Francisco, the Owner or Permittee, at no cost or expense to San Francisco, must indemnify, defend, and hold harmless San Francisco against any claims, regardless of the alleged negligence of San Francisco or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of San Francisco. Each Owner and Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend San Francisco from any claims which actually or potentially fall within the indemnity provision, even if the allegations are or may be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered to Owner or Permittee by San Francisco and continues at all times thereafter. In addition, San

Francisco shall have a cause of action for indemnity against each Owner and Permittee for any costs San Francisco may be required to pay as a result of defending or satisfying any claims that arise from or in connection with the Permit, except only for claims resulting directly from the sole negligence or willful misconduct of San Francisco. Owner and Permittee agree that the indemnification obligations assumed under the Permit shall survive expiration of the Permit or completion of Excavation.

(c) **Insurance.** (i) Each Owner or Permittee shall maintain in full force and effect, throughout the term of the Permit, an insurance policy or policies issued by an insurance company or companies satisfactory to the City's Controller and Risk Manager. Policy or policies shall afford insurance covering all operations, vehicles, and employees, as follows:

(1) Workers' Compensation with employers' liability limits not less than $1,000,000 each accident.

(2) Commercial General Liability Insurance with limits not less than $1,000,000 each occurrence combined single limit for bodily injury and property damage, including contractual liability; personal injury; explosion, collapse, and underground (xcu); products; and completed operations.

(3) Business Automobile Liability Insurance with limits not less than $1,000,000 each occurrence combined single limit for bodily injury and property damage, including owned, non-owned, and hired auto coverage, as applicable.

(4) Contractors' Pollution Liability Insurance, on an occurrence form, with limits not less than $1,000,000 each occurrence combined single limit for bodily injury and property damage and any deductible not to exceed twenty-five thousand dollars ($25,000) each occurrence.

(ii) Said policy or policies shall include the City and its officers and employees jointly and severally as additional insureds, shall apply as primary insurance, shall stipulate

that no other insurance effected by the City will be called on to contribute to a loss covered thereunder, and shall provide for severability of interests. Said policy or policies shall provide that an act or omission of one insured, which would void or otherwise reduce coverage, shall not reduce or void the coverage as to any other insured. Said policy or policies shall afford full coverage for any claims based on acts, omissions, injury, or damage which occurred or arose, or the onset of which occurred or arose, in whole or in part, during the policy period. Said policy or policies shall be endorsed to provide thirty (30) calendar days advance written notice of cancellation or any material change to the Department.

(iii) Should any of the required insurance be provided under a claims-made form, the insured Owner or Permittee shall maintain such coverage continuously throughout the term of the Permit, and, without lapse, for a period of three (3) years beyond the expiration or termination of the Permit, to the effect that, should occurrences during the term of the Permit give rise to claims made after expiration or termination of the Permit, such claims shall be covered by such claims-made policies.

(iv) Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general aggregate limit shall be double the occurrence or claims limits specified above in Subsection (c)(i).

(v) Such insurance shall in no way relieve or decrease Permittee's and Owner's obligation to indemnify the City under Subsection (b) or any other provision of this Article.

(vi) Certificates of insurance, in the form satisfactory to the Department, evidencing all coverages above, shall be furnished to or maintained on file with the Department before issuance of a Permit, with complete copies of policies furnished promptly upon the Department's request.

(vii) Where a Permittee who is an Owner is self-insured, and such insurance is no less broad and affords no less protection to the City than the requirements specified above in Subsection (c), the Department, in consultation with the City's Controller and Risk Manager, may accept such insurance as satisfying the requirements of Subsection (c). Evidence of such insurance shall be provided in the manner specified in Subsection (c)(vi).

(d) **Taxable possessory interest.** Each Owner and Permittee shall acknowledge on its behalf and that of any successor or assign that its Permit incorporates the following statements. The Owner of the Facility(ies) for which the Permit to Excavate was obtained and the Permittee recognize and understand that the Permit may create a possessory interest subject to property taxation and that Owner and Permittee may be subject to the payment of property taxes levied on such interest under applicable law. Owner and Permittee agree to pay taxes of any kind, including possessory interest taxes, if any, that may be lawfully assessed on Owner's and Permittee's interest under the Permit to Excavate or for use of the Public Right-of-Way and to pay any other excises, licenses, taxes, or permit charges or assessments based on Owner's and Permittee's usage of the Public Right-of-Way that may be imposed on Owner and Permittee by applicable law. Owner and Permittee shall pay all of such charges when they become due and before delinquency.

SEC. 2.4.24. PERMIT TO BE AVAILABLE AT EXCAVATION SITE. The Permit or a photo duplicate shall be available for review at the site of the Excavation for the duration of the Excavation and shall be shown, upon request, to any police officer or any employee of a City agency, board, commission, or department with jurisdictional responsibility over activities in the Public Right-of-Way.

SUBARTICLE IV - DEPOSITS AND FEES

SEC. 2.4.40. DEPOSIT. Each Applicant shall submit and maintain with the Department a bond, cash deposit, or other security acceptable to the Department securing

the faithful performance of the obligations of the Owner and Applicant under any Permit(s) to Excavate and the compliance with all terms and conditions of this Article (the "Deposit"). The Deposit shall be in the sum of twenty-five thousand dollars ($25,000.00) in favor of the "Department of Public Works, City and County of San Francisco." Utility and Municipal Excavators and other frequent Applicants may submit a single Deposit for multiple Excavations so long as a constant balance of twenty-five thousand dollars ($25,000.00) is maintained on file with the Department. If the Director has deducted from such a Deposit pursuant to Section 2.4.46(c), the Utility or Municipal Excavator or other frequent Applicant must restore the full amount of the Deposit prior to the Department's issuance of a subsequent Permit.

SEC. 2.4.41. ADMINISTRATIVE FEE. Each Applicant shall pay to the Department a fee of twenty-five dollars ($25.00) for each Block in which Excavation is proposed to compensate the Department for the cost incurred to administer the provisions of this Article.

SEC. 2.4.42. INSPECTION FEE. Each Applicant shall pay to the Department a fee of eighty cents ($0.80) per square foot of pavement to be Excavated for the cost of the inspection and regulatory services provided to such Applicant when he or she becomes a Permittee pursuant to this Article. No inspection fees shall be collected from a Municipal Excavator when, (a) the Municipal Excavator pays the Department to manage and inspect the construction or (b) the Excavation is to construct, replace, or repair Municipal Railway tracks.

SEC. 2.4.43. ADDITIONAL FEES FOR EXCAVATION. In instances where administration of this Article or inspection of an Excavation is or will be unusually costly to the Department, the Director, in his or her discretion, may require an Applicant or Permittee to pay any additional sum in excess of the amounts charged pursuant to Sections 2.4.41 and 2.4.42. This additional sum shall be sufficient to recover actual costs incurred by the Department and shall be charged on a time and materials basis. The Director also may

charge for any time and materials costs incurred by other agencies, boards, commissions, or departments of the City in connection with the administration or inspection of the Excavation. Whenever additional fees are charged, the Director, upon request of the Applicant or Permittee, shall provide in writing the basis for the additional fees and an estimate of the additional fees.

SEC. 2.4.44. STREET DAMAGE RESTORATION FEE. (a) **Calculation of fee.** Each Applicant shall pay to the Department a Street Damage Restoration Fee to recover the increased repaving and reconstruction costs incurred by the City that are reasonably attributable to the impact of Excavation in City streets. The Fee shall not generate proceeds in excess of the City's costs of street repaving and reconstruction reasonably attributable to the Excavation for which the Fee is charged. The amount of the Fee shall be calculated as follows:

Age of Block (Years Since Last Resurfacing)	Fee Amount
0-5 years	$3.50 per square foot of Excavation
6-10 years	$3.00 per square foot of Excavation
11-15 years	$2.00 per square foot of Excavation
15-20 years	$1.00 per square foot of Excavation

Where an Applicant proposes an Excavation in a Block whose age is unknown to the Department and the Block's pavement condition score recorded in the Department's Pavement Management and Mapping database is greater than 53, the Applicant shall be charged the Street Damage Restoration Fee at the rate specified for streets 15-20 years old.

(b) **Exceptions from the Street Damage Restoration Fee to encourage coordination.** To encourage coordination of Excavation with the Department's repaving schedule and to encourage Excavation in older Blocks and those with lower pavement

condition scores: (i) No Fee will be assessed for Excavation in Blocks with a recorded pavement condition score of 53 or less, or a recorded age of greater than 20 years.

(ii) No Fee will be assessed for Excavation in a Block scheduled to be completed by an Applicant less than two (2) years prior to the Department's scheduled repaving of that Block.

(c) **Fee waived for Excavation that includes repaving.** The Street Damage Restoration Fee ~~may~~ shall be waived for an Excavation where an Applicant proposes to reconstruct and repave the entire Block affected by the Excavation or any and all traffic lanes affected by the Excavation. ~~Such~~ Where such reconstruction and repaving ~~shall be~~ is performed consistent with all of the standards set forth in orders, rules, plans and specifications of the Department.

(d) **Fee waiver for in kind payment of fee - installation of conduit.** With the approval of the Director of the Department of Public Works and the Director of the Department of Telecommunications and Information Services, where it would minimize neighborhood disruption, and where savings in street resurfacing costs through avoidance of future Excavation are anticipated to exceed amounts that would otherwise be due from the Street Damage Restoration Fee, some portion or all of the otherwise applicable Street Damage Restoration Fee may be waived for an Excavation in which the Applicant installs, (i) conduit for City use or control or (ii) conduit made available via approval and coordination with the Department and Department of Telecommunications and Information Services to other subsequent Applicants or excavators such that future Excavation is permanently avoided. The City shall make any available space in such conduit available to subsequent Applicants to avoid future Excavation in the Block. The Departments of Public Works and Telecommunications and Information Services shall adopt orders or regulations prescribing circumstances under which in-kind payment of all or some portion of the fee shall be permitted, prescribing specifications for the conduit to be installed, and prescribing terms

under which the conduit shall be made available to interested parties on a competitively neutral and non-discriminatory basis.

(e) **Exception for Excavation in Sidewalks, concrete Blocks, or unaccepted Blocks.** No Street Damage Restoration Fee shall be assessed with respect to Excavation in a Sidewalk, Block constructed solely of portland cement concrete, or a Block that the City has not accepted for maintenance purposes.

(f) **Exception for Excavation to accommodate the City's use.** No Street Damage Restoration Fee shall be assessed for Excavation performed to relocate the Facilities of a Utility Excavator to accommodate the City's use of the Block.

SEC. 2.4.45. REPORT TO BOARD OF SUPERVISORS.

Within one (1) year after adoption of the Street Damage Restoration Fee, and every three (3) years thereafter, the Director shall review the proceeds of the Street Damage Restoration Fee, the costs of repaving and reconstruction reasonably attributed to Excavation in City streets, and any other new information that shall become available, and prepare a report to the Board of Supervisors. Based upon the results of the review, the Director shall recommend to the Board of Supervisors any necessary adjustments to the Fee, along with written justification for the recommended adjustment and any necessary legislation. In the event that Fee proceeds have exceeded, or are anticipated to exceed, the costs for street repaving and reconstruction reasonably attributable to Excavation, the Director shall recommend legislation to the Board of Supervisors that modifies the Fee to ensure that Fee proceeds do not exceed the costs for street repaving and reconstruction reasonably attributable to Excavation. In the event that Fee proceeds have undercollected, or are anticipated to undercollect, for the costs for street repaving and reconstruction reasonably attributable to Excavation, the Director may recommend legislation to the Board of

Supervisors that modifies the Fee to more accurately recover the costs for street repaving and reconstruction reasonably attributable to Excavation.

SEC. 2.4.46. COLLECTION, RETURN, AND REFUND OF DEPOSIT AND FEES.

(a) **Collection of Deposit and fees.** The Director shall establish procedures for billing, collection, and refund of a Deposit(s), fees, and other charges provided for in this Article. The Director shall deposit all funds in accordance with Sections 10.117-119 and 10.117-120 of the San Francisco Administrative Code.

(b) **Refunds.** (i) When an application is either withdrawn by the Applicant or denied by the Department before the start of construction, the Applicant's administrative fee assessed under Section 2.4.41 shall be retained and those fees assessed under Sections 2.4.42, 2.4.43, and 2.4.44 shall be returned to the Applicant.

(ii) In the event that the Director determines, after preparing a report pursuant to Section 2.4.45, that there has been an overcollection of the Street Damage Restoration Fee assessed under Section 2.4.44, the Director shall establish procedures to refund excess Fee proceeds in a manner which fairly and reasonably reimburses those Excavators who paid the Fee during the relevant period consistent with their level of Excavation.

(c) **Deductions from Deposit.** The Director may make deductions from the balance of a Permittee's Deposit(s) to ensure the faithful performance of the obligations under a Permit to Excavate, to pay fees, to offset the costs for any Excavation done or repairs made by the Department, or to pay any assessed penalties or costs associated with violations of this Article.

(d) **Retention of Deposit for three (3) years.** Each Deposit made pursuant to Section 2.4.40 shall be retained by the City for a period of three (3) years after the satisfactory completion of the Excavation to secure the obligations in the Permit and this Article.

(e) **Return of Deposit.** Upon expiration of three years from the satisfactory completion of the Excavation, a Permittee's Deposit(s), less the deductions made pursuant to Subsection (c), shall be returned to the Permittee or to its assigns.

SUBARTICLE V - EXCAVATIONS

SEC. 2.4.50. NOTICES. Any Permittee who Excavates or causes to be made an Excavation in the Public Right-of-Way shall provide notice as follows:

(a) **Two to fourteen-day Excavations.** For Excavations that will be completed and restored in a period exceeding twenty-four (24) hours but within fourteen (14) calendar days of commencement, the Permittee shall post and maintain notice at the site of the Excavation. The notice shall include the name, telephone number, and address of the Owner and Permittee, a description of the Excavation to be performed, and the duration of the Excavation. The notice shall be posted at least every 100' along any Block where the Excavation is to take place at least seventy-two (72) hours prior to commencement of the Excavation.

(b) **Notice for Major Work.** (i) At least thirty (30) calendar days prior to commencement of the Excavation, the Permittee shall provide written notice delivered by United States mail to each property owner on the Block(s) affected by the Excavation and each affected neighborhood and merchant organization that is listed in the City Planning Department's Directory of Neighborhood Organizations and Service Agencies. The latest City-wide Assessor's roll for names and addresses of owners shall be used for the mailed notice. This notice shall include the same information that is required for the posted notice pursuant to this Subsection (a) and the name, address, and 24-hour telephone number of a person who will be available to provide information to and receive complaints from any member of the public concerning the Excavation.

(ii) The Permittee shall post and maintain notice at the site of the Excavation at least ten (10) calendar days prior to commencement of the Excavation in the same manner and with the same information as required for posted notice pursuant to Subsection (a). At least ten (10) calendar days prior to commencement of the Excavation, the Permittee also shall deliver a written notice to each dwelling unit on the Block(s) affected by the Excavation. This written notice shall include the same information that is required for the written notice pursuant to this Subsection (i).

(iii) Before commencement of construction, a Permittee for Major Work shall post and maintain Excavation project signs at the site of the Excavation that describe the Excavation being done and bear the name, address, and 24-hour telephone number of a contact person for the Owner and Permittee. Said Excavation project signs shall be in format, quantity, and size specified by the Department.

(c) **Notice for emergency Excavation.** For emergency Excavation, the Permittee, or the Applicant if a Permit has not been issued, shall post and maintain notice at the site of the Excavation during the construction period. The notice shall include the name, telephone number, and address of the Owner and Permittee, a description of the Excavation to be performed, and the duration of the Excavation. The notice shall be posted at least every 100 along any Block where the Excavation is to take place.

SEC. 2.4.51. NOTICE FOR MARKING OF SUBSURFACE FACILITIES. In accordance with State law, any Person excavating in the Public Right-of-Way shall comply with the requirements of the Underground Service Alert ("USA") regarding notification of Excavation and marking of subsurface Facilities. Such Person shall provide USA with the assigned number for the Permit to Excavate or other information as may be necessary to properly identify the proposed Excavation.

SEC. 2.4.52. LIMITS UPON EXCAVATION IN THE PUBLIC RIGHT-OF-WAY.

(a) **Scope.** It is unlawful for any Permittee to make, to cause, or permit to be made, any Excavation in the Public Right-of-Way outside the boundaries, times, and description set forth in the Permit.

(b) **Rock wheel and trenchless technology.** Use of a rock wheel or trenchless technology to excavate in the Public Right-of-Way is unlawful without prior written approval of the Director.

(c) **Single Excavation maximum of 1,200 feet.** No single Excavation site shall be longer than one thousand two hundred (1,200) feet in length at any time except with the prior written approval of the Director.

SEC. 2.4.53. REGULATIONS CONCERNING EXCAVATION SITES. Each Owner and Permittee shall be subject to requirements for Excavation sites that are set forth in Department orders or regulations. Such orders or regulations shall include, but not be limited to, the following measures:

(a) **Protection of the Excavation.** Each Permittee shall cover open Excavation with steel plates ramped to the elevation of the contiguous street, pavement, or other Public Right-of-Way, or otherwise protected in accordance with guidelines prescribed by the Department.

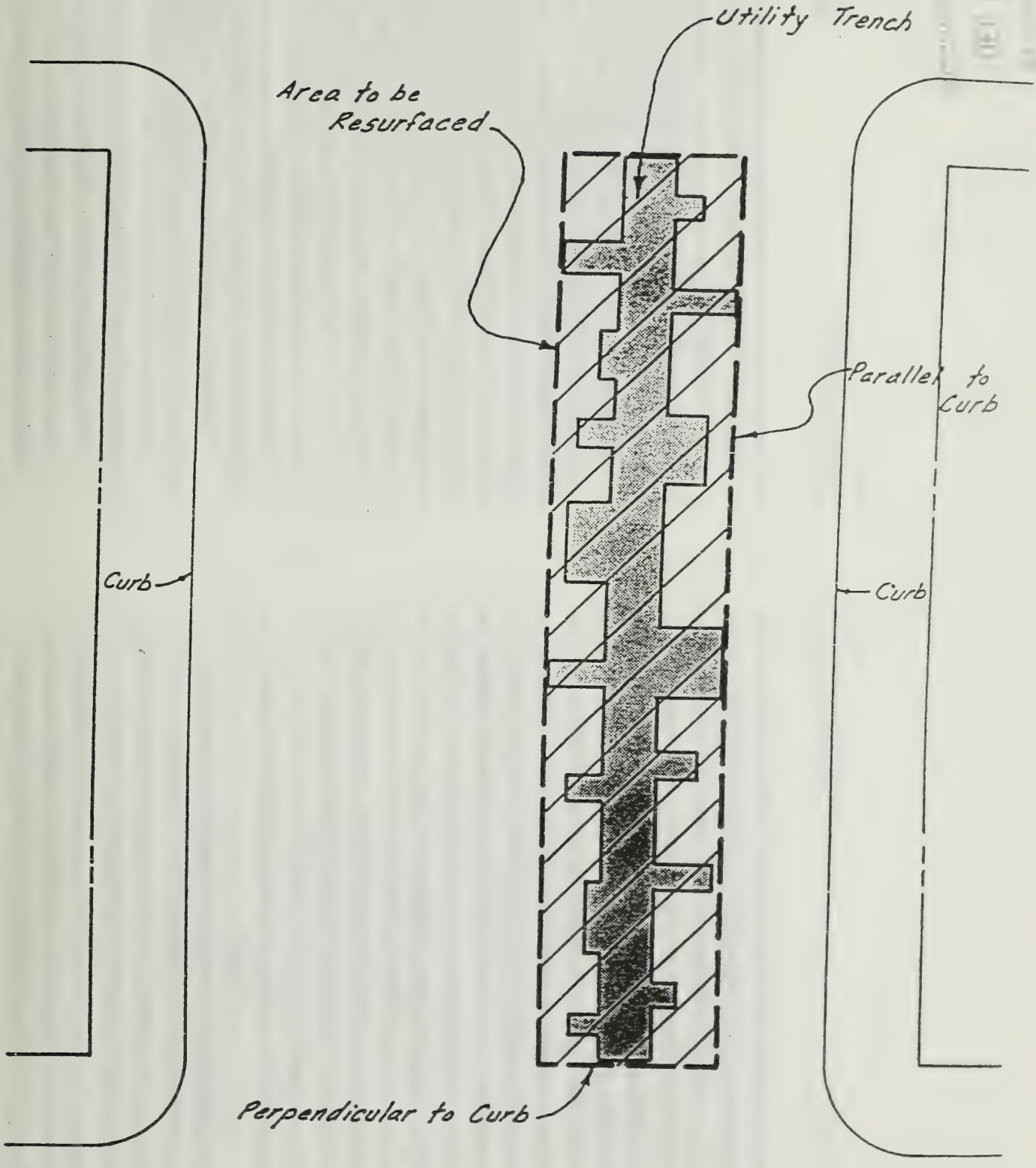
(b) **Housekeeping and removal of excavated material.** Each Permittee shall keep the area surrounding the Excavation clean and free of loose dirt or other debris in a manner deemed satisfactory to the Department. Excavation sites shall be cleaned at the completion of each work day. In addition, the Permittee shall remove all excavated material from the site of the Excavation no later than the end of each work day.

(c) **Storage of Materials and Equipment.** Materials and equipment that are to be used for the Excavation within seven (7) calendar days may be stored at the site of the Excavation, except that fill material, sand, aggregate, and asphalt-coated material may be stored at the site only if it is stored in covered, locked containers.

(d) **Hazardous material.** Each Permittee shall be subject to hazardous material guidelines for data collection; disposal, handling, release, and treatment of hazardous material; site remediation; and worker safety and training. The Department, in consultation with the Department of Public Health, shall develop, prescribe, and update such hazardous material guidelines. The guidelines shall require the Permittee to comply with all federal, state, and local laws regarding hazardous material. For purposes of this Subsection, hazardous material shall mean any gas, material, substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.

SEC. 2.4.54. STOP WORK ORDER, PERMIT MODIFICATION, AND PERMIT REVOCATION. When the Director has determined that a Person has violated this Article or that an Excavation poses a hazardous situation or constitutes a public nuisance, public emergency, or other threat to the public health, safety, or welfare, or when the Director determines that there is a paramount public purpose, the Director is authorized to issue a stop work order, to impose new conditions upon a Permit, or to suspend or revoke a Permit by notifying the Permittee of such action in a written, electronic, or facsimile communication.

SEC. 2.4.55. RESTORATION OF THE PUBLIC RIGHT-OF-WAY. (a) **Restoration.** In any case in which the Sidewalk, street, or other Public Right-of-Way is or is caused to be Excavated, the Owner and Permittee shall restore or cause to be restored such Excavation in the manner prescribed by the orders, regulations, and Standard Plans and Specifications of the Department. At a minimum, trench restoration shall include resurfacing to a constant width equal to the widest part of the Excavation in accordance with the following diagram; provided, however, that the width of resurfacing need not exceed thirteen (13) feet:


Utility Trench
Area to be Resurfaced
Parallel to Curb
Curb
Curb
Perpendicular to Curb

(b) **Backfill, replacement of pavement base, and finished pavement.** Activities concerning backfilling, replacement of pavement base, and finished pavement shall be performed in a manner specified by the orders, regulations, and Standard Plans and Specifications of the Department. In addition, these activities shall be subject to the following requirements:

(i) Backfill. Each Excavation shall be backfilled and compacted within seventy-two (72) hours from the time the construction related to the Excavation is completed.

(ii) Replacement of pavement base. Replacement of the pavement base shall be completed within seventy-two (72) hours from the time the Excavation is backfilled.

(iii) Finished pavement. Finished pavement restoration shall be completed within seventy-two (72) hours of replacement of the pavement base.

(c) **Modification to requirements.** Upon written request from the Permittee, the Director may grant written approval for modifications to the requirements of Subsection (b).

(d) **Incomplete Excavation: completion by the Department.** In any case where an Excavation is not completed or restored in the time and manner specified in the Permit, this Article, or the orders, regulations, and Standard Plans and Specifications of the Department, the Director shall order the Owner or Permittee to complete the Excavation as directed within twenty-four (24) hours. If the Owner or Permittee should fail, neglect, or refuse to comply with the order, the Director may complete or cause to be completed such Excavation in such manner as the Director deems expedient and appropriate. The Owner or Permittee shall compensate the Department for any costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the Department or other agencies, boards, commissions, or departments of the City that were made necessary by said Excavation. The cost of such work also may be deducted from the Permittee's Deposit pursuant to Section 2.4.46(c). The

Director's determination as to the cost of any work done or repairs made shall be final. In addition, the Owner or Person may be subject to those enforcement actions set forth in Subarticle VII.

(e) Subject to the limitation set forth in Section 2.4.70, completion of an Excavation or restoration by the Department in accordance with Subsection (d) shall not relieve the Owner or Permittee from liability for future pavement failures at the Excavation site.

SUBARTICLE VI - POST-EXCAVATION REPAIR, MAINTENANCE, AND PAVEMENT FAILURE

SEC. 2.4.70. REPAIR AND MAINTENANCE OBLIGATION OF PERMITTEE. Each Owner and Permittee that excavates or causes to be made an Excavation in the Public Right-of-Way shall be responsible to maintain, repair, or reconstruct the site of the Excavation so as to maintain a condition acceptable to the Director until such time as the Public Right-of-Way is reconstructed, repaved, or resurfaced by the Department.

SEC. 2.4.71. SUBSURFACE OR PAVEMENT FAILURES. In the event that subsurface material or pavement over or immediately adjacent to any Excavation should become depressed, broken, or fail in any way at any time after the Excavation has been completed, the Director shall exercise his or her best judgment to determine the Person(s) responsible, if any, for the failure in the subsurface or surface of the Public Right-of-Way and shall designate such Person as the responsible party. The Director shall notify said Person(s) of the condition, its location, and the required remedy, and such Person(s) shall repair or restore, or cause to be repaired or restored, such condition to the satisfaction of the Director within seventy-two (72) hours of the notification. The Director may extend the time for the responsible party to repair or restore the affected Public Right-of-Way.

SEC. 2.4.72. REPAIR BY THE DEPARTMENT. (a) In the event that any Person(s) fails, neglects, or refuses to repair or restore any condition pursuant to the Director's notice as

set forth in Section 2.4.71, the Director may repair or restore, or cause to be repaired or restored, such condition in such manner as the Director deems expedient and appropriate. The Person(s) identified by the Director as the responsible party shall compensate the Department for any costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the City that were made necessary by reason of the repair or restoration undertaken by the Department. The cost of such work also may be deducted from the Permittee's Deposit pursuant to Section 2.4.46(c). The Director's determination as to the cost of the repair or restoration performed shall be final. In addition, the responsible party may be subject to those enforcement actions set forth in Subarticle VII.

(b) Subject to the limitation set forth in Section 2.4.70, repair or restoration by the Department in accordance with this Section shall not relieve the Person(s) from liability for future pavement failures at the site of the repair or restoration.

SEC. 2.4.73. EMERGENCY REMEDIATION BY THE DEPARTMENT. (a) If, in the judgment of the Director, the site of an Excavation is considered hazardous or if it constitutes a public nuisance, public emergency, or other imminent threat to the public health, safety, or welfare that requires immediate action, the Director may order the condition remedied by a written, electronic, or facsimile communication to the Person(s) responsible, if any, for remedying the condition and shall designate such Person as the responsible party.

(b) If the responsible party is inaccessible or fails, neglects, or refuses to take immediate action to remedy the condition as specified in said communication, the Director may remedy the condition or cause the condition to be remedied in such manner as the Director deems expedient and appropriate. The Person(s) identified by the Director as the responsible party shall compensate the Department for any reasonable costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation,

repair, restoration, or any other actual costs incurred by the Department or other agencies, boards, commissions, or departments of the City that were made necessary by reason of the emergency remediation undertaken by the Department. The cost of such work also may be deducted from the Permittee's Deposit pursuant to Section 2.4.46(c). The Director's determination as to the cost of any remediation performed shall be final. In addition, the responsible party may be subject to those enforcement actions set forth in Subarticle VII.

(c) Subject to the limitation set forth in Section 2.4.70, remediation by the Department in accordance with this Section shall not relieve the Person(s) from liability for future pavement failures at the site of the remediation.

SUBARTICLE VII - VIOLATION OF ARTICLE

SEC. 2.4.80. VIOLATION OF ARTICLE. (a) The Director shall have authority to enforce this Article against violations thereof. Upon the Director's determination that a Person has violated any provision of this Article, the Standard Plans and Specifications, notices, orders, or regulations of the Department; any term, condition, or limitation of any Permit, or is subject to any outstanding fees, Deposits, or other charges, the Director shall serve notice on said Person to abate the violation. Any Person whom the Director determines to be responsible for violating this Article may be subject to any or all of the enforcement mechanisms specified in Sections 2.4.81, 82, and 83.

(b) Violations by Municipal Excavators are not subject to the penalties and fines specified in Sections 2.4.81, 82, and 83. The Director is empowered to abate violations by Municipal Excavators and may charge the cost of such abatement to the Deposit or budget of the Municipal Excavator, take other appropriate action against such Excavator within the Director's authority, or both.

SEC. 2.4.81. ADMINISTRATIVE PENALTIES AND COSTS.

(a) **Notice of violation.** The Director shall notify the Person responsible for a violation that he or she has seventy-two (72) hours to correct or otherwise remedy the violation or be subject to the imposition of administrative penalties. For those violations subject to the incomplete Excavation provisions of Section 2.4.55(d), the Person responsible shall have twenty-four (24) hours to remedy the violation or be subject to the imposition of administrative penalties. For violations that create an imminent danger to public health, safety, or welfare or are otherwise subject to Section 2.4.73, the Director shall notify the Person responsible to immediately remedy the violation or be subject to the imposition of administrative penalties. The Director's notice of violation shall be a written, electronic, or facsimile communication and shall specify the manner in which the violation must be remedied.

(b) **Amount of administrative penalties.** Administrative penalties assessed pursuant to Subsection (a) shall not exceed one thousand dollars ($1,000.00) per day, per violation. In assessing the amount of the administrative penalty, the Director may consider any one or more of the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the violator's misconduct, and the violator's assets, liabilities, and net worth.

(c) **Enforcement costs.** In addition to the administrative penalty assessed pursuant to Subsection (a), the Director may assess enforcement costs to cover the reasonable costs incurred in enforcing the administrative penalty, including reasonable attorneys' fees. Any enforcement costs imposed and recovered shall be distributed according to the purpose for which the Director imposed them.

(d) **Accrual of penalties and costs.** Penalties and costs assessed under this Section shall continue to accrue against the Person responsible for the violation until the violation of this Article is corrected or otherwise remedied in the judgment of the Director or

the responsible party pays the assessed penalties and costs. If such penalties and costs are the subject of a request for administrative review or an appeal, then the accrual of such penalties and costs shall be stayed until the determination concerning the administrative penalties is final.

(e) **Notice imposing administrative penalties.** If the Person designated as the responsible party fails to remedy the violation within the time specified in the notice of violation, the Director shall notify in writing the responsible party of the Director's imposition of administrative penalties. This notice shall include the amount of the penalties and costs and declare that such penalties and costs are due and payable to the City Treasurer within thirty (30) calendar days. The notice also shall state that the Person designated as the responsible party has the right, pursuant to Subsection (g), to request administrative review of the Director's determination as to the designation of the responsible party and the assessment of penalties.

(f) **Finality of the Director's determination and collection of assessed penalties.** If no request for administrative review is filed pursuant to Subsection (g), the Director's determination is final. Thereafter, if the penalties and costs are not paid within the time specified in Subsection (e), the Director is empowered to pursue any method of collection of such penalties and costs authorized by local law including, but not limited to deductions of the Permittee's Deposit pursuant to Section 2.4.46(c).

(g) **Administrative review.** Any Person that is designated as the party responsible for a violation or is subject to an administrative penalty may seek administrative review of the designation or the assessment of the penalty within ten (10) calendar days of the date of notification imposing administrative penalties. Administrative review shall be initiated by filing with the Director a request for review that specifies in detail the basis for contesting the designation of the responsible party or the assessment of the penalty or cost.

(h) **Notice for and scheduling of administrative hearing.** Whenever an administrative review hearing is requested pursuant to Subsection (g), the Director, within ten (10) calendar days of the date of receipt of the request, shall notify the affected parties of the date, time, and place of the hearing by certified mail. Such hearing shall be held no later than thirty (30) calendar days after the Director received the request for administrative review, unless extended by mutual agreement of the affected parties. The Director shall appoint a hearing officer for such hearing.

(i) **Submittals for the administrative review hearing.** The parties to the hearing shall submit written information to the hearing officer including, but not limited to, the following: the statement of issues to be determined by the hearing officer and a statement of the evidence to be offered at the hearing.

(j) **Conduct of the administrative review hearing.** The administrative review hearing is a public hearing and shall be tape recorded. Any party to the hearing may at his or her own expense, cause the hearing to be recorded by a certified court reporter. During the hearing, evidence and testimony may be presented to the hearing officer. Written decisions and findings shall be rendered by the hearing officer within ten (10) calendar days of the hearing. Copies of the findings and decision shall be served upon the parties to the hearing by certified mail. A notice that a copy of the findings and decisions is available for inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday shall be posted at the offices of the Department of Public Works.

(k) **Appeals of the Director's decision on the hearing officer's recommendation.** The decision of the hearing officer shall be a recommendation to the Director, and the Director, within five (5) calendar days of receipt of such recommendation, shall adopt, modify, or deny such recommendation. The Director's decision on the hearing officer's recommendation is final. Such decision shall be served upon the parties to the hearing and

posted in the same manner as the hearing officer's decision as set forth in Subsection (j). Within twenty (20) calendar days after service of the Director's decision, any aggrieved party may seek review of the decision by the municipal court according to the procedures set forth in California Government Code Section 53069.4.

(l) **Finality of Director's decision.** If no notice of appeal of the Director's decision is timely filed, the decision shall be deemed final. If any imposed administrative penalties and costs have not been deposited at this time, the Director may proceed to collect the penalties and costs pursuant to Subsection (f).

SEC. 2.4.82. CIVIL PENALTIES AND FEES. (a) The Director may call upon the City Attorney to maintain an action for injunction to restrain or summary abatement to cause the correction or abatement of the violation of this Article, and for assessment and recovery of a civil penalty and reasonable attorneys' fees for such violation.

(b) Any person who violates this Article may be liable for a civil penalty, not to exceed five hundred dollars ($500.00) for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. The City Attorney also may seek recovery of the attorneys fees and costs incurred in bringing a civil action pursuant to this Section.

SEC. 2.4.83. CRIMINAL FINES. (a) The Director is authorized to enforce the criminal provisions of this Article, to call upon the Chief of Police and authorized agents to assist in the enforcement of this Article, or both.

(b) Any Person who violates this Article shall be deemed guilty of an infraction. Every violation determined to be an infraction is punishable by (1) a fine not exceeding $100 for the first violation within one (1) year; (2) a fine not exceeding $200 for a second violation within one (1) year from the date of the first violation; (3) a fine not exceeding $500 for the third and each additional violation within one (1) year from the date of the first violation.

(c) When a government official authorized to enforce this Article pursuant to Subsection (a) has reasonable cause to believe that any Person has committed an infraction in the official's presence that is a violation of this Article, the official may issue a citation to that Person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

(d) Among other violations, citations may be issued for the following specific violations:

(i) Excavation without a valid Permit;

(ii) Excavation without proof of the Permit issuance on site;

(iii) Excavation without proper notice to the Underground Service Alert;

(iv) Excavation without proper public notice;

(v) Excavation that violates the San Francisco Traffic Code;

(vi) Excavation that violates the regulations concerning Excavation sites (Section 2.4.53), which include, but are not limited to, protection of the Excavation, housekeeping and removal of excavated material, and hazardous material;

(vii) Excavation that does not meet the 72-hour requirements for restoration concerning backfill, replacement of pavement base, and finished pavement (Section 2.4.55(b)); or

(viii) Excavation that exceeds the scope of the Permit, including, but not limited to, obstructing the path of automobile or pedestrian travel in excess of the permitted area.

(e) The nonpayment of fines or citations imposed pursuant to this Section, or the continued existence of a condition in violation of this Section, shall be grounds for the Director to deny a Permit to the responsible Person until such fines or citations have been paid and the condition corrected.

SEC. 2.4.84. DEPOSIT OF PENALTIES INTO EXCAVATION FUND. Any penalty assessed and recovered in an action brought pursuant to Sections 2.4.81 or 82 shall be deposited in the Excavation Fund, as provided in Section 10.117-120 of the San Francisco Administrative Code.

SEC. 2.4.85. SUSPENSION OF ACTION ON APPLICATIONS. A Person who is in willful noncompliance with this Article shall not apply for nor be issued a subsequent Permit to Excavate in the Public Right-of-Way unless the Director, by written authorization, grants a waiver to this prohibition.

SUBARTICLE VIII - MISCELLANEOUS PROVISIONS

SEC. 2.4.90. ABANDONMENT OF UNDERGROUND FACILITIES, REPORTS, AND MAPS. (a) Whenever any Facility(ies) is abandoned in the Public Right-of-Way, the Person owning, using, controlling or having an interest therein, shall, within thirty (30) calendar days after such abandonment, file in the office of the Director a statement in writing, giving in detail the location of the Facility(ies) so abandoned. Each map, set of maps, or plans filed pursuant to the provisions of this Article, including those maps or plans required by Section 2.4.11 shall show in detail the location of each such Facility(ies) abandoned subsequent to the filing of the last preceding map, set of maps, or plans.

(b) It shall be unlawful for any Person to fail, refuse, or neglect to file any map or set of maps at the time, and in all respects as required by this Section.

SEC. 2.4.91. IDENTIFICATION OF VISIBLE FACILITIES. Each visible Facility installed in the Public Right-of-Way shall be clearly identified with the name of the Owner of the Facility. The Department shall adopt orders or regulations to specify other appropriate methods for identification.

SEC. 2.4.92. CITY'S OBLIGATION. In undertaking enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 2.4.93. TIME LIMITATION ON COMMENCEMENT OF ACTIONS. Any action or proceeding to attack, review, set aside, void or annul this Article or any provision thereof shall be commenced within one hundred twenty (120) calendar days from the effective date of the ordinance approving this Article; otherwise, the provisions of this Article shall be held to be valid and in every respect legal and incontestable.

SEC. 2.4.94. SEVERABILITY. If any part of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of this Article, including the application of such part of provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

Section 5. Part II, Chapter 10 of the San Francisco Municipal Code (Public Works Code) is hereby amended by adding to Article 2.4 (Excavation in the Public Right-of-Way) the following uncodified language:

(a) The Director is authorized to establish the Street Construction Coordination Center, which shall be responsible for planning and coordinating Excavation in the Public Right-of-Way.

(b) The Director shall meet with Utility and Municipal Excavators and other affected parties six (6) and twelve (12) months after passage of this legislation to review the results of this legislation's implementation. At such meetings, the Director shall review programs adopted by California cities, such as Sacramento and Los Angeles, that create incentives for Excavators to coordinate work and reduce construction and fee costs. Based upon such review, the Director may recommend modifications to this legislation.

(c) Eighteen (18) months after passage of this legislation, the Director shall submit to the Board of Supervisors a written report that describes the results achieved by this legislation and recommends appropriate modifications to the legislation.

Section 6. Article XIII of Chapter 10 of the San Francisco Administrative Code is hereby amended by adding Sections 10.117-119 and 10.117-120 to read as follows:

SEC. 10.117-119. STREET DAMAGE RESTORATION FUND.

(a) **Establishment of Fund.** There is hereby established a special fund in the City Treasury for the purpose of receiving Street Damage Restoration Fee amounts paid pursuant to Section 2.4.44 of the Public Works Code (Part II, Chapter 10 of the San Francisco Municipal Code). This special fund shall be known as the Street Damage Restoration Fund. The Fund shall be administered by the Department of Public Works. All donations of money, gifts, grant, and bequests which may be offered to the Street Damage Restoration Fund are hereby accepted.

(b) **Use of Monies.** Monies in the Street Damage Restoration Fund shall be used exclusively for street resurfacing and reconstruction. Notwithstanding the foregoing, the Director of the Department of Public Works may order refunds to be made from the Street Damage Restoration Fund consistent with procedures adopted pursuant to Section 2.4.46 of the Public Works Code.

(c) **Interest; Accrual of Monies in Fund.** Interest earned on monies in the Fund shall become part of the principal thereof and shall not be expended for any purpose other than those set forth in subsection (b). The balance remaining in the Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 9.113 of the Charter and shall be carried forward and accumulated in the fund for the purposes set forth in subsection (b).

SEC. 10.117-120. EXCAVATION FUND.

(a) **Reestablishment of Fund.** There is hereby reestablished the Excavation Fund for the purpose of receiving all amounts paid pursuant to Article 2.4 of the Public Works Code (Part II, Chapter 10 of the San Francisco Municipal Code) with the exception of Street Damage Restoration Fees paid pursuant to Section 2.4.44 of the Public Works Code. The Fund shall be relocated from the Department of Public Works to the City Treasury. The Fund shall be administered by the Department of Public Works. All donations of money, gifts, grant, and bequests which may be offered to the Excavation Fund are hereby accepted.

(b) **Use of Monies.** Monies in the Excavation Fund shall be used exclusively to defray City costs in connection with Excavation and the administration of Article 2.4 of the Public Works Code, including, but not limited to, administration, construction, consultants, equipment, inspection, legal services, remediation, repair, restoration, training, travel, and other costs incurred by the City.

[Remainder of page left blank intentionally]

(c) **Interest; Accrual of Monies in Fund.** Interest earned on monies in the Fund shall become part of the principal thereof and shall not be expended for any purpose other than those set forth in subsection (b). The balance remaining in the Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 9.113 of the Charter and shall be carried forward and accumulated in the fund for the purposes set forth in subsection (b).

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: John D. Malamut
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981038 **Date Passed:**

Ordinance amending Public Works Code by repealing Article 8 (Excavations in Streets), repealing Sections 672 and 673 of Article 14 (Underground Pipes, Wires and Conduits), and adding Article 2.4 (Excavation in the Public Right-of-Way), including Section 2.4.44 to impose a new street damage restoration fee, authorizing establishment of the Street Construction Coordination Center and requesting other official actions in connection therewith; making findings for these amendments; and amending Article XIII of Chapter 10 of the Administrative Code by adding Section 10.117-119 to create a fund for collection of street damage restoration fees and adding Section 10.117-120 to reestablish the excavation fund for the collection of other deposits, fees, and penalties imposed by Article 2.4.

October 26, 1998 Board of Supervisors — AMENDED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 2, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

File No. 981038

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 2, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 13 1998

~~NOV 18 1997~~

Date Approved

Mayor Willie L. Brown Jr.

File No. 981038 continued...

FILE NO. 98-1086 ORDINANCE NO. 342-98

[Public Works Code - Enforcement and Emergency Powers]

AMENDING PART II, CHAPTER X OF THE SAN FRANCISCO MUNICIPAL CODE (PUBLIC WORKS CODE) BY AMENDING SECTION 400 TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS TO REQUIRE AND PERFORM REMEDIATION ON UNACCEPTED PUBLIC RIGHT-OF-WAY AND TO ENFORCE OBLIGATIONS TO PAY FOR SUCH REMEDIATION; AMENDING SECTIONS 706.3, 706.4, AND 706.8 TO DELETE THE DIRECTOR'S AUTHORITY TO UNDERTAKE EMERGENCY REMEDIATION OF DANGEROUS CONDITIONS ON A SIDEWALK WITHOUT NOTICE, TO ALLOW FOR ADMINISTRATIVE REVIEW OF SPECIFIED DETERMINATIONS OF THE DIRECTOR, AND TO EXPAND THE SCOPE OF THE FUND AVAILABLE FOR REPAIRS AND REMEDIATION UNDERTAKEN BY THE DEPARTMENT OF PUBLIC WORKS; AND ADDING SECTION 709 TO AUTHORIZE THE DIRECTOR TO ISSUE AND ENFORCE EMERGENCY ORDERS FOR THE REMEDIATION OF ACCEPTED OR UNACCEPTED PUBLIC RIGHT-OF-WAY IN CONJUNCTION WITH OR SEPARATE FROM OTHER CITY DEPARTMENTS.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter X of the San Francisco Municipal Code (Public Works Code) is hereby amended by amending Section 400 to read as follows:

SEC. 400. NOTICE TO REPAIR ((— FIVE-DAY LIMITATION)).

(a) When, in the judgment of the Director of the Department of Public Works ((of the City and County of San Francisco)), any portion of the ((roadway of any)) improved, but unaccepted public right-of-way that is under the jurisdiction and control of the Department of Public Works, including, but not limited to, a street, avenue, lane, alley, court or place, or any portion of any sidewalk thereof, ((in the said City and County, none of which has been accepted by the

Supervisors as by law or as in the Charter of said City and County provided,)) shall be so out of repair or in such condition as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Director ((said Department of Public Works)) is authorized to notify in writing the owner or owners of any lot fronting on said affected public right-of-way ((portion of said street, avenue, lane, alley, court or place, or fronting on such portion of said sidewalk so out of repair or in such condition as aforesaid, by a notice in writing to be delivered to him, or his agent, or to the person owning the fee, or the mortgagee of such fee, or the person who, on the day the notice is given, appears by deed duly recorded in the County Recorder's office of the City and County to have the legal title to the land, or to the person in possession of the lands, lots, portions of lots or buildings under claim, or exercising acts of ownership, over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated and deemed to be the owner for all the purposes of this Section, requiring)) that such owner is required to repair, reconstruct, or improve forthwith the affected public right-of-way, to the centerline thereof, in such manner and time period ((with such material)) as the Director deems expedient and appropriate ((said Department of Public Works may determine and direct, said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk in front of the lot of which he is the owner)).

((Within five days after such notice shall have been delivered to such owner, he shall cause to be begun such repair, or such reconstruction, or such improvement, as may have been determined by the said Department of Public Works, and directed by said department in its notice aforesaid to be made, and shall diligently and without interruption prosecute the same to completion.))

(b) If the responsible property owner(s) notified pursuant to Subsection (a) is inaccessible or fails, neglects, or refuses to diligently prosecute to completion the remedial

work in the manner and time period specified by the Director, then the Director may undertake all necessary actions to remedy the condition. All costs expended by the Director shall be an obligation of the responsible property owner(s) owing to the City and County of San Francisco. Such costs shall include, but are not limited to, those costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the Director or other agencies, boards, commissions, or departments of the City and County of San Francisco that were made necessary by reason of the Director's remediation.

(c) In order to enforce an obligation imposed pursuant to Subsection (b), the Director is authorized to institute the lien procedures that are set forth in this Code, Article 15, Sections 706.4-707.1.

Section 2. Part II, Chapter X of the San Francisco Municipal Code (Public Works Code) is hereby amended by amending Sections 706.3, 706.4, and 706.8 to read as follows:

SEC. 706.3. DIRECTOR OF PUBLIC WORKS TO REPAIR IF OWNER FAILS TO DO SO. If said repair is not commenced and prosecuted to completion with due diligence, as required by said notice, the Director of Public Works shall repair said sidewalk. ((If any portion of a sidewalk which is not in good repair and condition is unfit for public use because of the dangerous nature of such defect, and the owner of the property adjacent thereto has failed and neglected to repair the same, the Director of Public Works shall have the authority to make such repair immediately upon receiving knowledge of such defect and without giving the foregoing notice.)) The cost of such repair shall be an obligation to the City and County owing by the owner of the adjacent property, and the City and County shall have a lien of the adjacent property in all respects as though notice had been given. Both such obligation and lien shall be subject to the provisions of Sections 706.4, 706.5, 706.6, 706.7 and 706.8 of this Article.

SEC. 706.4. NOTICE OF COST AND CLAIM OF LIEN. (a) Upon the completion of such repair, the Director of Public Works shall ascertain the cost thereof, apportioning the same, if the area so repaired is next adjacent to more than one lot of land. The owner of such lot of land shall thereupon be obligated to the City and County of San Francisco in the amount of such cost of repair and the City and County shall thereupon have a lien for such cost of repair upon any such lot of land until payment thereof which lien shall also include the cost of verification and filing thereof. On ascertaining the cost of repair as aforesaid the Director of Public Works shall cause notice thereof to be mailed in the manner herein provided for mailing notice to repair, which notice shall demand payment thereof to the Director of Public Works, shall give notice of claim of such lien and of the recording of the same, in the event such amount is not paid, as hereinafter set forth.

(b) Said notice also shall state that the property owner(s) identified as the responsible party(ies) may request an administrative review of the Director's determination as to the responsible property owner(s) and the allocation of cost for remediation. This request must be in writing and filed within ten calendar days of the date of the Director's notice. If no request for administrative review is filed, the Director's determination shall be final.

(c) If administrative review is requested, the Director shall appoint a hearing officer and schedule a hearing within ten calendar days of the filing of the request for administrative review. The Director shall notify the party(ies) to the review hearing of the time and date of said hearing. Recording of the lien against the affected owner's property pursuant to Section 706.5 shall be held in abeyance until the Director has acted upon the hearing officer's decision.

(d) The administrative review hearing is a public hearing and shall be tape recorded. Any party to the hearing may cause, at his or her own expense, the hearing to be recorded by a certified court reporter. During the hearing, evidence and testimony may be presented to the hearing officer. Parties to the hearing may be represented by counsel and have the right

to cross-examine witnesses. All testimony shall be given under oath. Written decisions and findings shall be rendered by the hearing officer within ten calendar days of the hearing. Copies of the findings and decision shall be served upon the parties to the hearing by certified mail. A notice that a copy of the findings and decisions is available for inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday shall be posted at the offices of the Department of Public Works.

(e) The decision of the hearing officer shall be a recommendation to the Director and the Director, within five days of receipt of such decision, shall adopt, modify, or deny such decision. The Director's determination on the hearing officer's decision is final. Such determination shall be served upon the parties to the hearing and posted in the same manner as the hearing officer's decision as set forth in Subsection (d.)

SEC. 706.8. REVOLVING FUND. A fund shall be provided to cover initially the cost of making sidewalk repairs as provided in Section 706.3 hereof, making repairs in unaccepted public right-of-way as provided in Article 9, Section 400, and of verification and recording of liens therefor, said fund to be a revolving fund and replenished by appropriation and by all moneys paid or collected for sidewalk repairs and repairs in unaccepted public right-of-way and liens therefore as herein provided.

Section 3. Part II, Chapter X of the San Francisco Municipal Code (Public Works Code) is hereby amended by adding Section 709 to read as follows:

SEC. 709. EMERGENCY ORDERS: ACCEPTED AND UNACCEPTED PUBLIC RIGHT-OF-WAY. (a) If, in the judgment of the Director, the condition of an accepted or unaccepted public right-of-way within the jurisdiction of the Department of Public Works constitutes a public emergency or other imminent threat to the public health, safety, or welfare that requires immediate action, the Director, by written, telephonic or facsimile communication, may order the responsible property owner(s) to remedy the condition in such

a manner as the Director deems expedient and appropriate subject to the limitations set forth in this Article or Article 9.

(b) If the responsible property owner(s) notified pursuant to Subsection (a) is inaccessible or fails, neglects, or refuses to diligently prosecute to completion the remedial work in the manner and time period specified by the Director, then the Director may undertake all necessary actions to remedy the condition. All costs expended by the Director shall be an obligation of the responsible property owner(s) owing to the City and County of San Francisco. Such costs shall include, but are not limited to, those costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the Director or other agencies, boards, commissions, or departments of the City and County of San Francisco that were made necessary by reason of the Director's remediation.

(c) In order to enforce an obligation imposed pursuant to Subsection (b), the Director is authorized to institute the lien procedures that are set forth in Sections 706.4-707.1

(d) In the event of an emergency, the Director shall cooperate to the extent practicable with other City and County agencies, boards, commissions, or departments with jurisdiction over affected fixtures, improvements, property, or structures across, adjacent to, along, beneath, in, on, over, under, upon, or within the public right-of-way. The Director may issue an emergency order in conjunction with any other official of the City and County of San Francisco who is authorized to issue emergency orders.

(e) When, under emergency circumstances, neither the Department of Public Works nor Department of Building Inspection can ascertain which department has jurisdiction over the affected fixtures, improvements, property, or structures across, adjacent to, along, beneath, in, on, over, under, upon, or within the public right-of-way, the Director, the Director of the Department of Building Inspection, or both may issue emergency orders to remedy any

emergency condition. Notice of the emergency order shall be pursuant to Subsection (a) or according to procedures set forth in the San Francisco Building Code. If the City and County of San Francisco abates the emergency condition, once the Departments of Public Works and Building Inspection have determined which department has jurisdiction over the affected fixtures, improvements, property or structures across, adjacent to, along, beneath, in, on, over, under, upon, or within the public right-of-way, the procedures for collection of charges and enforcement shall be according to the Municipal Code Sections applicable to whichever department assumed the lead role in abating the emergency condition.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
JOHN D. MALAMUT
Deputy City Attorney

SUPERVISOR MEDINA
BOARD OF SUPERVISORS

File Number: 981086 **Date Passed:**

Ordinance amending Public Works Code Sections 400, 706.3, 706 4 and 706.8 and adding Section 709 to authorize the Director of the Department of Public Works to require and perform remediation on unaccepted public right-of-way and to enforce obligations to pay for such remediation; to delete the Director's authority to undertake emergency remediation of dangerous conditions on a sidewalk without notice, to allow for administrative review of specified determinations of the Director, and to expand the scope of the fund available for repairs and remediation undertaken by the Department of Public Works, and to authorize the Director to issue and enforce emergency orders for the remediation of accepted or unaccepted public right-of-way in conjunction with or separate from other City departments

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 2, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

File No. 981086

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 2, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 1 3 1998

~~NOV 1 3 1997~~

Date Approved

Mayor Willie L. Brown Jr.

File No. 981086 continued...

Govt Information Ctr
Clerk's Office Mail Slot

As amended in Board
11/2/98

FILE NO. 980564 ORDINANCE NO. 343-98

[Bicycle Transit Enhancement Plan]

AMENDING PART II, CHAPTER XI, OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE), BY ADDING ARTICLE 5B, SECTION 110, TO PROTECT THE INTEGRITY OF EXISTING BICYCLE FACILITIES AND SECTION 38N TO PROHIBIT PARKING IN BICYCLE LANES, BY AMENDING SECTION 3.14 TO CONFORM TO THE STATE VEHICLE CODE DEFINITION OF BICYCLE AND SECTION 4 TO CONFORM TO STATE VEHICLE CODE PROVISIONS REGARDING THE RIGHTS AND DUTIES OF BICYCLE RIDERS; AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY ADDING SECTION 2.76 TO CHAPTER 2 TO AUTHORIZE MONITORED BICYCLE PARKING AT LARGE PUBLIC EVENTS; AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE (PLANNING CODE), BY AMENDING ARTICLE 1.5 BY AMENDING SECTION 155 TO CLARIFY THAT ANY BICYCLE PARKING REQUIREMENTS UNDER THAT SECTION WILL NOT CONFLICT WITH SECTIONS 155.1 AND 155.2, BY AMENDING SECTION 155.1 TO CLARIFY DEFINITION AND OBLIGATIONS OF RESPONSIBLE CITY OFFICIAL AND LANDLORD AND DELETING OBSOLETE IMPLEMENTATION SCHEDULE PROVISIONS, BY ADDING SECTION 155.2 TO REQUIRE BICYCLE PARKING IN CITY-OWNED PARKING FACILITIES AND PRIVATELY-OWNED PARKING GARAGES AND ADDING SECTION 155.3 TO REQUIRE SHOWER AND LOCKER FACILITIES IN NEW BUILDINGS AND BUILDINGS UNDERGOING MAJOR RENOVATIONS, AND BY MAKING FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND REPEALING TRAFFIC CODE SECTIONS 97 AND 99.

Note: Unless otherwise indicated, additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

SUPERVISOR KATZ, BIERMAN, MEDINA, AMMIANO, YAKI, LENO, NEWSOM, BROWN

Section 1. The San Francisco Traffic Code is hereby amended by adding Article 5B and Section 38N thereto, and by amending Section 3.14 and Section 4 thereof to read as follows:

ARTICLE 5B. PROTECTION OF BICYCLE FACILITIES.

SEC. 110. Protection of Existing Bicycle Facilities.

(a) The following activities are prohibited unless the Board of Supervisors expressly grants prior approval:

(1) the narrowing of right hand travel lanes with parking, including turn lanes to less than twenty-two (22) feet or the narrowing of right hand travel lanes without parking, including turn lanes to less than fourteen (14) feet;

(2) the narrowing or elimination of any bicycle lanes;

(3) the narrowing or removal of bicycle paths; or

(4) the addition of traffic lanes, except where such lanes consist of left or right turn pockets.

(b) This Section only applies to the streets, lanes and paths on the City's official bicycle route system as defined in the most recent update of the Transportation Element of the San Francisco Master Plan.

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(c) This Section shall not apply to construction zones involving temporary changes to lane widths or lane configurations.

SEC. 38N. PARKING IN BICYCLE LANES PROHIBITED; FINES.

(a) No person shall park any vehicle such that any portion of the vehicle is within a marked bicycle lane. No person shall block any portion of a marked bicycle lane with his or her vehicle on weekdays from the hours of 7am to 9am and from 4pm to 6pm. Any person violating this Section shall be subject to a fine of $100.00. The Department of Parking and Traffic may install signs or otherwise alert motorists of this prohibition and the fine.

(b) This section shall not apply to vehicles engaged in emergency services including, but not limited to, fire engines, police vehicles and ambulances.

(c) This section shall not apply to public utility vehicles while such vehicles are operating, maintaining, or repairing facilities of the public utility or are being used in connection with providing public utility service.

(d) This section shall not apply to commercial vehicles if an exemption is reasonably necessary to load or unload merchandise or passengers at any hours except between 7am and 9am and between 4pm and 6pm.

SEC. 3.14. BICYCLE. ((A vehicle having two wheels set tandem, propelled by human power applied through pedals, and designed for seating and carrying one or more persons, the number being determined by the number of seats built onto the vehicle by the manufacturer therefore.)) The bicycle is defined as a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

SEC. 4. TRAFFIC LAWS TO APPLY TO PERSON RIDING BICYCLES OR ANIMALS. Every person ((riding a bicycle or)) riding or driving an animal upon a highway is subject to the provisions of this Code applicable to the operator of a vehicle, except those provisions which by their very nature can have no application. Every person riding a bicycle upon a highway has all the rights created by, and is subject to all the provisions of, this Code applicable to the driver of a vehicle by this Code, except those provisions which by their very nature can have no application.

Section 2. The San Francisco Administrative Code is hereby amended adding Section 2.76 to Chapter 2 to read as follows:

SEC. 2.76. MONITORED BICYCLE PARKING AT PUBLIC EVENTS. The Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), or other applicable permitting authority, is authorized and encouraged in its discretion to require, and develop guidelines regarding, monitored bicycle parking at appropriate large permitted public events. The sponsor of the public event may provide such monitoring service or ensure that such monitored bicycle parking is available in local garages or other similar facilities. If the sponsor provides monitored bicycle parking, the sponsor may charge a nominal fee for such service. The amount of such fee shall be included as part of the sponsor's permit application. If the sponsor is unable to ascertain the fee amount at the time of the permit application, the sponsor may submit a fee schedule to ISCOTT, or other applicable permitting authority, as soon as possible but no later than 10 days before the event.

Section 3. The San Francisco Planning Code is hereby amended by amending Sections 155 and 155.1 thereof and by adding Sections 155.2 and 155.3 thereto to read as follows:

SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES. Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Department of City Planning.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of

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DEC 29 1998
SAN FRANCISCO
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private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Every required off-street parking or loading space shall be independently accessible, with the exception of a parking space for a minor second dwelling unit in an RH-1(S) District, or as otherwise provided by the Bernal Heights Special Use District set forth in Section 242. In C-3 Districts, if it is found, in accordance with the provisions of Section 309, that independently accessible spaces are infeasible due to site constraints, or in South of Market Districts if it is found, in accordance with the provisions of Section 307(g) of this Code, that independently accessible spaces for nonresidential activities are infeasible due to site constraints or that valet parking would provide a more convenient and efficient means of serving business clients, the substitution of attendant parking spaces for independently accessible spaces may be approved. Access to off-street loading spaces shall be from alleys in preference to streets.

In C-3 Districts, where possible, access to off-street parking and loading spaces shall be from streets and alleys which are identified as base case streets in the Downtown Streetscape Plan and minor streets rather than transit preferential streets or major arterial streets, all as identified in the Downtown Plan, a component of the Master Plan.

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the street.

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-G, and South of Market Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined to be primarily used for building service, pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market District, up to four spaces may be allowed to be individually accessible directly from such a street or alley.

(e) In a C-3 or South of Market District, where site constraints would make a consolidated freight loading and

service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3 or South of Market District, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown

workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.

(j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle.

(k) Off-street parking and loading facilities shall be arranged so as to prevent encroachments upon sidewalk areas and adjacent properties, in the maneuvering, standing and storage of vehicles, by means of the layout of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to

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DEC 29 1998
SAN FRANCISCO
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the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

SEC. 155.1. BICYCLE PARKING REQUIREMENTS FOR CITY-OWNED AND LEASED BUILDINGS. In all City-owned and leased buildings, regardless of whether off-street parking is available, the ((landlord)) responsible city official, as defined in Section 155.1(a)(11) below, shall provide bicycle parking according to the schedule in Section 155.1(c) below, except as otherwise provided in Section 155.2. The provisions of this ((ordinance)) Section shall not apply in any case where the City occupies property as a tenant under a lease the term of which does not exceed six months. In the event that a privately-owned garage, as defined in Section 155.2, is in a building in which the City leases space, Section 155.2 and not this Section shall apply. All required bicycle parking shall conform to the requirements of Sections 155.1(b) (Location of Facilities) and 155.1(c) (Number of Spaces) set forth below:

(a) Definitions.

(1) Locker. A fully enclosed, secure and burglar-proof bicycle parking space accessible only to the owner or operator of the bicycle.

(2) Check-In Facility. A location in which the bicycle is delivered to and left with an attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible only to the attendant.

(3) Monitored Parking. A location where Class 2 parking spaces are provided within an area under constant

surveillance by an attendant or security guard or by a monitored camera.

(4) Restricted Access Parking. A location that provides Class 2 parking spaces within a locked room or locked enclosure accessible only to the owners of bicycles parked within.

(5) Personal Storage. Storage within the view of the bicycle owner in either the operator's office or a location within the building.

(6) Class 1 Bicycle Parking Space(s). Facilities which protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3) monitored parking, (4) restricted access parking, and (5) personal storage.

(7) Class 2 Bicycle Parking Space(s). Bicycle racks which permit the locking of the bicycle frame and one wheel to the rack and, which support the bicycle in a stable position without damage to wheels, frame or components.

(8) Director. Director of the Department of City Planning.

(9) Landlord. ((Responsible City official where City leases from third party; the highest ranking City official of a given agency where the City is the owner of the property.)) Any

person who leases space in a building to the City. The term "landlord" does not include the City.

(10) Employees. Individuals employed by the City and County of San Francisco.

(11) Responsible City Official. The highest ranking City official of an agency or department which has authority over a city-owned building or parking facility or of an agency or department for which the City is leasing space.

(12) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may enter into leases.

(b) Location of Facilities

(1) At locations where the majority of parking spaces will be long-term (e.g., occupied by building employees for 8 hours or more), at least 1/2 of the required bicycle parking spaces shall be Class 1 spaces. The remaining spaces may be Class 2 spaces. The Director may approve alternative types of parking spaces that provide an equivalent measure of security.

(2) Alternative Locations. In the event that compliance with Section 155.1(b)(1) may not be feasible because of demonstrable hardship, the ((landlord)) responsible city official may apply to the Director ((for an application)) for approval of an alternative storage location. In acting upon such applications, the Director shall be guided by the following

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DEC 29 1998
SAN FRANCISCO
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criteria: Such alternative facilities shall be well-lighted and secure. The entrance shall be no more than 50 feet from the entrance of the building, unless there are no feasible locations within a 50 foot zone that can be provided without impeding sidewalk or pedestrian traffic. However, in no event shall an alternative location be approved that is farther from the entrance of the building than the closest automobile parking space.

(3) Exemptions. If no feasible alternative parking facility exists nearby which can be approved pursuant to Section 155.1(b)(1) or (2) or, securing an alternative location would be unduly costly and pose a demonstrable hardship on the landlord, or on the City, where the City owns the building, the Director may issue an exemption. In order to obtain an exemption, the ((landlord)) responsible city official shall certify to the Director in writing that the landlord, or the City, where the City owns the building, will not prohibit bicycle operators from storing bicycles within their office space, provided that they are stored in such a way that the Fire Code is not violated and that the normal business of the building is not disrupted.

(c) Required Number of Bicycle Parking Spaces

(1) Class 1 Bicycle Parking Spaces. The following standards shall govern the number of Class 1, long-term, bicycle parking spaces a ((landlord)) responsible city official must provide:

(A) In buildings with ((20 or fewer)) 1-20 employees, at least two bicycle parking spaces shall be provided.

(B) In buildings with 21 to 50 employees, at least four bicycle parking spaces shall be provided.

(C) In buildings with 51 to 300 employees, the number of bicycle parking spaces provided shall be equal to at least five percent of the number of employees at that building, but in no event shall fewer than five bicycle spaces be provided.

(D) In buildings with more than 300 employees, the number of bicycle parking spaces provided shall be equal to at least three percent of the number of employees at that building but in no event shall fewer than 16 bicycle parking spaces be provided.

(2) In addition to the Class 1 bicycle parking spaces required above, a ((landlord)) responsible city official shall also provide Class 2 bicycle parking spaces according to the below enumerated schedule:

(A) In buildings with ((40 or fewer)) 1 to 40 employees, at least two bicycle parking spaces shall be provided.

(B) In buildings with 41-50 employees, at least four bicycle parking spaces shall be provided.

(C) In buildings with 51-100 employees, at least six bicycle parking spaces shall be provided.

(D) In buildings with more than 100 employees, at least eight bicycle parking spaces shall be provided. Wherever a ((landlord)) responsible city official is required to provide eight or more Class 2 bicycle parking spaces, at least 50 percent of those parking spaces shall be covered.

(3) In ((facilities)) public buildings where the City provides a public service to members of the public who are patrons or users of the buildings, such as libraries, museums, and sports facilities, the ((landlord)) responsible city official shall provide the numbers of bicycle parking spaces as set out in 155.1(c)(1) and (2), except that the average patron load in a building during peak use hours as determined by the Director, rather than the number of employees, shall determine the number of spaces required. This Section shall not apply where a public building has a "garage" (as such term is defined in Section 155.2(a)) that is open to the general public, in which case Section 155.2 shall apply.

(4) The Director shall annually survey the amount, location, and usage of provided bicycle parking spaces in all buildings subject to the requirements of this ((ordinance)) Section in order to ascertain whether current requirements are adequate to meet demand for such parking spaces. If current requirements are inadequate, the Director shall draft and submit

to the Board of Supervisors proposed legislation that would remedy the deficiency.

(5) Reductions. The Director may grant a reduction from the number of bicycle parking spaces required by this ((ordinance)) Section where the applicant shows based upon the type of patronage, clientele, or employees using the building that there is no reason to expect a sufficient number of bicycle-riding patrons, clientele or employees to justify the number of spaces otherwise required by the ((ordinance)) Section.

(d) Layout of Spaces

Class 1 and Class 2 bicycle parking spaces or alternative spaces approved by the Director shall be laid out according to the following:

(1) An aisle or other space to enter and leave the facility shall be provided. The aisle shall provide a width of five feet to the front or rear of a standard six-foot bicycle parked in the facility.

(2) Each bicycle parking space shall provide an area at least 2 feet wide by 6 feet deep. Vertical clearance shall be at least 78 inches.

(3) Bicycle parking shall be ((placed)) at least as conveniently located as the most convenient non-disabled car parking. Safe and convenient means of ingress and egress to bicycle parking facilities shall be provided. Safe and

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DEC 29 1998
SAN FRANCISCO
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convenient means include, but are not limited to stairways, elevators and escalators.

(4) Bicycle parking and automobile parking shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage.

(5) Class 2 bicycle racks shall be located in highly visible areas to minimize theft and vandalism.

(6) Where Class 2 bicycle parking areas are not clearly visible to approaching bicyclists, signs shall indicate the locations of the facilities.

(7) The surface of bicycle parking spaces need not be paved, but shall be finished to avoid mud and dust.

(8) All bicycle racks and lockers shall be securely anchored to the ground or building structure.

(9) Bicycle parking spaces may not interfere with pedestrian circulation.

(e) Lease Provisions:

(1) All City leases of buildings that are subject to the requirements of this Section and under which the City is a tenant shall specifically provide that the landlord agrees to make space available in the building for the term of the lease within which the responsible city official may install, at no cost to the landlord, bicycle parking facilities that are in compliance with this Section.

(2) This subsection (e) does not in any way limit the ability of the Director to approve alternative storage locations under subsection (b)(2) or exemptions under subsection (b)(3). In the event that an exemption is granted or an alternative location is approved allowing the installation of bicycle parking facilities on property that is not included (i) in a building leased by the responsible city official or (ii) on property that belongs to the landlord, subsection (e)(1) does not apply. If the alternative location is on property that is owned by the landlord, but is not inside the building to be leased by the responsible city official, the lease provision of subsection (e)(1) is required and shall identify that property as the location of the bicycle parking spaces.

((e))f) Enforcement

Article 1.5, Section 155.1 shall be enforced by the Zoning Administrator. Upon complaint, the Zoning Administrator shall investigate. If the Zoning Administrator concludes that a violation exists, he or she shall provide written notice to the ((violating party)) responsible city official offering ((five)) thirty days to cure the violation. The written notice shall inform the ((violating party)) responsible city official of the grounds for the Zoning Administrator's conclusion that ((the contract)) this section has been violated. The notice shall

afford the ((violator)) responsible city official an opportunity to meet with the Zoning Administrator to explain why penalties should not be assessed. The Zoning Administrator shall assess penalties upon the responsible city official's agency or department according to the following provisions:

(1) If the responsible city official's violation has not been cured within the ((five)) thirty days, a penalty of $50/day shall be assessed by the ((Director)) Zoning Administrator, commencing with the first date of the violation. ((or, in the alternative:))

(((2) Any person violating this ordinance may be subject to the civil enforcement provisions set forth in Planning Code Section 176.))

(((3) Any unpaid penalties or charges assessed for violations of this ordinance, either through a contract or by civil enforcement, may be collected through the lien procedures as set forth in Administrative Code Section(s) 10.230-10.237.))

(2) All fines collected for violations of this Section shall be deposited with the Department of Parking and Traffic for expenditure by and for the Department's Bicycle Program.

(((f))) (g) Miscellaneous Requirements

(1) The ((landlord)) responsible city official shall not, and shall encourage landlords not to, establish or enforce any building policy that restricts or discourages building

tenants, employees, or visitors from utilizing their bicycle storage spaces.

(2) In any building that contains more than the required number of bicycle parking spaces as set forth in Article 1.5, Section 155.1, the ((landlord)) responsible city official shall not remove such additional bicycle parking spaces without petitioning the Director. Such a petition may not be filed until at least one year has elapsed following the effective date of the ((ordinance)) Section. That petition shall demonstrate that the spaces the ((landlord)) responsible city official seeks authority to remove have not been necessary to meet the demand of employees and other building users.

(3) ((In order to enable the landlord to bring buildings into compliance with this ordinance, the provisions of this ordinance shall not become operative until six months after the effective date. During the first full year following the operative date of this ordinance, the landlord shall be responsible for providing 50 percent of the spaces mandated by this ordinance. During the second year following the operative date of this ordinance, the landlord shall be responsible for providing 75 percent of the spaces mandated by this ordinance. Thereafter, t))The ((landlord)) responsible city official shall be responsible for full compliance with this ((ordinance)) Section. The Board of Supervisors does not intend to impose requirements of this ((ordinance)) Section on any ((landlord))

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
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responsible city official where such application would impair obligations of contract.

(4) Buildings with existing traditional-type racks which support only one wheel shall have two years from the effective date of this ((ordinance)) Section to replace them with conforming racks.

(5) In addition to imposing requirements pursuant to this ((ordinance)) Section, the Board of Supervisors declares it the official policy of the City and County of San Francisco that all property owners and ((landlords)) responsible city officials in control of buildings housing employees or members of the public who use bicycles shall provide bicycle parking spaces and shall encourage and facilitate bicycle usage.

(((g))) (h) In adopting this ((ordinance)) Section, the Board of Supervisors intends that General Fund Revenues not be used to ((implement the requirements of this ordinance)) pay for the purchase of bicycle storage facilities or for installation of bicycle storage facilities, that private building owners not be required to use their own funds to implement the requirements of this ((ordinance)) Section, and that the implementation of this ((ordinance)) Section be funded primarily through the use of public and private donations, grants and other available programmatic funding.

SEC 155.2. BICYCLE PARKING REQUIRED IN CITY-OWNED PARKING GARAGES AND PRIVATELY-OWNED PARKING GARAGES. In all City-owned parking garages and all privately-owned parking garages (but not parking lots), the owner and operator shall provide bicycle parking according to the schedule set forth in Section 155.2(c). With respect to City-owned parking garages which are not open to the general public, Section 155.1 and not this Section shall apply. If a privately-owned garage is in a building in which the City leases space for more than six months, this Section and not Section 155.1 shall apply.

(a) Definitions.

(1) All definitions set forth in Section 155.1(a) are incorporated into this Section.

(2) Garage. Any public or private facility for the indoor parking of automobiles. It may be a stand-alone facility or may be located in a building also used for other purposes. It includes facilities which offer spaces for rent or other fee to the general public, and facilities which offer automobile parking spaces solely to building tenants, or a combination of both. It excludes garages which offer fewer than ten automobile spaces.

(b) Duties of Responsible City Officials and Garage Owners. Where this Section imposes requirements on the City,

the responsible city official shall be responsible for fulfilling such requirements. Where this Section imposes duties on private garages, the owners of such garages shall be responsible for fulfilling such requirements.

(c) Number of Spaces.

(1) Every garage will supply a minimum of six bicycle parking spaces regardless of the number of automobile spaces available.

(2) Garages which offer between 120 and 500 automobile spaces shall provide one bicycle space for every 20 automobile spaces.

(3) Garages which offer more than 500 automobile spaces shall provide 25 spaces plus one additional space for every 40 automobile spaces over 500 spaces, up to a maximum of 50 bicycle parking spaces.

(d) Type of Bicycle Parking. Garages offering automobile parking to the general public shall offer either Class 2 bicycle parking, as defined in Section 155.1(a) or Class 1 bicycle parking, as defined in Section 155.1(a). Garages may offer a combination of Class 1 and Class 2 bicycle parking. Garages offering automobile parking to the general public on an hourly basis shall offer bicycle parking on the same basis. Garages offering automobile

parking to the general public on a weekly or longer basis shall provide bicycle parking on the same basis.

(e) Implementation. Garages shall be required to comply with these requirements within six months of the enactment of this legislation. Garages shall install bicycle parking for half of the number of required bicycle parking spaces within six months of the effective date of this legislation, but in no case fewer than six bicycle spaces. Garages shall fully comply with the requirements of Section 155.2(c) within eighteen months of the date of enactment of this legislation. However, if demand for the bicycle parking facilities provided under the "first six months" interim provision is less than 80% of the spaces provided on twenty consecutive non-holiday weekdays, the garage may apply to the Director for permission to delay full compliance with Section 155.2(c) for a reasonable period of time and the Director shall have the discretion to permit such a delay where the garage demonstrates that achieving full compliance within the required period presents an undue burden. In the case of a garage which is not predominantly used during the regular work week (for example, a garage near an event venue), the Director may designate an alternative period other than "non-holiday weekdays" for purposes of evaluating an exemption from the

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DEC 2 9 1998
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full requirements of Section 155.2(c), including, but not limited to, ten consecutive weekends or twenty days on which the garage primarily serves customers attending an event at a nearby venue.

(f) Safety Waiver. The Director may grant a waiver of the requirements of this Section where a garage establishes that compliance with the provisions of this Section would seriously jeopardize the safety of the garage patrons. In order to obtain such a waiver, a garage must submit a written waiver application to the Director. The Planning Department shall establish more definitive guidelines for the granting of a safety waiver. During the first year after the effective date of this legislation, the Planning Commission shall quarterly review safety waivers granted and denied under this subsection (f). Thereafter, the Planning Commission shall annually review safety waivers granted and denied under this subsection (f). If after such review the Planning Commission determines that a safety waiver was improperly granted or denied, the Planning Commission may then reverse the decision of the Director with respect to that safety waiver.

(g) Fees for Bicycle Parking. This Section shall not interfere with the rights of private garage owners to charge rent or other fees for bicycle parking.

(h) Notice of Bicycle Parking. Garages subject to this Section must provide adequate signs or notices in or near garage entrances to advertise the availability of bicycle parking.

(i) Layout of Spaces. Garages subject to this Section are encouraged to follow the requirements set forth in Section 155.1(d) (Layout of Spaces) in installing Class 1 and Class 2 bicycle parking.

(j) Enforcement. Article 1.5, Section 155.2 shall be enforced by the Zoning Administrator. Upon complaint, the Zoning Administrator shall investigate. If the Zoning Administrator concludes that a violation exists in a city-owned garage, he or she shall provide written notice to the responsible city official, offering thirty days to cure the violation. If the Zoning Administrator concludes that a violation exists in a privately-owned garage, he or she shall provide written notice to the garage owner, offering thirty days to cure the violation. The written notice shall state the grounds for the Zoning Administrator's

conclusion that this Section has been violated. The notice shall afford the responsible city official or private garage owner an opportunity to meet with the Zoning Administrator to explain why they are not in violation of this Section.

(1) Where a violation of this Section occurs in either a privately-owned garage or a city-owned garage, if such violation has not been cured within the allotted thirty day period, the Zoning Administrator shall add the name and address of such garage and the name of the garage owner or responsible city official's agency or department to a list of garages currently in violation of this Section. Upon request, the Zoning Administrator shall provide a copy of this list to members of the public.

(k) Contractual Limits on Liability. This Section shall not interfere with the rights of a garage owner to enter into agreements with garage patrons or take other lawful measures to limit the garage owner's liability to patrons with respect to bicycles parked in their garage, provided that such agreements or measures are in accordance with the requirements of this Section.

SEC 155.3. SHOWER FACILITIES AND LOCKERS REQUIRED IN NEW COMMERCIAL AND INDUSTRIAL BUILDINGS AND EXISTING BUILDINGS UNDERGOING MAJOR RENOVATIONS.

(a) Definitions.

(1) New Building. A commercial or industrial building for which a building permit is issued at least six months after the effective date of this legislation.

(2) Major Renovations. Any construction or renovation project (i) for which a building permit is issued commencing at least six months after the date of enactment of this legislation (ii) which involves an enlargement of an existing public or privately owned commercial or industrial building, and (iii) which has an estimated cost of at least one million dollars. For purposes of this section, the term "enlargement" shall mean an increase in the square footage of the ground story of a building.

(3) The term "commercial building" shall include, but is not limited to, public or privately owned buildings containing employees working for city government agencies or departments.

(b) Requirements for New Buildings and Buildings With Major Renovations. New buildings and buildings with major renovations shall provide shower and clothes locker

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
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facilities for short-term use of the tenants or employees in that building in accordance with this Section. Where a building undergoes major renovations, its total square footage after the renovation is the square footage that shall be used in calculating how many, if any, showers and clothes lockers are required.

(c) For new buildings and buildings with major renovations whose primary use consists of medical or other professional services, general business offices, financial services, city government agencies and departments, general business services, business and trade schools, colleges and universities, research and development or manufacturing, the following schedule of required shower and locker facilities applies:

(1) Where the gross square footage of the floor area exceeds 10,000 square feet but is no greater than 20,000 square feet, one shower and two clothes lockers are required.

(2) Where the gross square footage of the floor area exceeds 20,000 square feet but is no greater than 50,000 square feet, two showers and four clothes lockers are required.

(3) Where the gross square footage of the floor area exceeds 50,000 square feet, four showers and eight clothes lockers are required.

(d) For new buildings and buildings with major renovations whose primary use consists of retail, eating and drinking or personal services, the following table of shower and locker facilities applies:

(1) Where the gross square footage of the floor area exceeds 25,000 square feet but is no greater than 50,000 square feet, one shower and two clothes lockers are required.

(2) Where the gross square footage of the floor area exceeds 50,000 square feet but is no greater than 100,000 square feet, two showers and four clothes lockers are required.

(3) Where the gross square footage of the floor area exceeds 100,000 square feet, four showers and eight clothes lockers are required.

(e) Exemptions. An owner of an existing building subject to the requirements of this Section shall be exempt from subsections (c) and (d) upon submitting proof to the Director of the Department of City Planning that the owner has made arrangements with a health club or other facility,

located within a four block radius of the building, to provide showers and lockers at no cost to the employees who work in the owner's building.

(f) Exclusion for Hotels, Residential Buildings and Live/Work Units. This Section shall not apply to buildings used primarily as hotels or residential buildings. In addition, this Section shall not apply to "live/work units" as defined in Section 102.13 of the San Francisco Planning Code.

(g) Owners of Existing Buildings Encouraged to Provide Shower and Clothes Locker Facilities. The City encourages private building owners whose buildings are not subject to this Section to provide safe and secure shower and clothes locker facilities for employees working in such buildings.

(h) The Department of City Planning may establish more definitive requirements for shower and locker facilities in accordance with this Section.

Section 4. Pursuant to Section 101 of the Planning Code, the Board of Supervisors makes the following findings:

(1) The proposed legislation is consistent with Priority Policy 1 in that it will have no effect on the preservation and

enhancement of the existing neighborhood-serving uses or future opportunities for resident employment and the ownership of other neighborhood-serving business.

(2) The proposed legislation is consistent with Priority Policy 2 in that it has no negative effect on existing housing and will not adversely alter the character of the neighborhood.

(3) The proposed legislation is consistent with Priority Policy 3 in that it has no negative effect on the City's current or future supply of affordable housing.

(4) The proposed legislation is consistent with Priority Policy 4 in that it has no negative impact on commuter traffic or neighborhood parking and may help to alleviate these problems by encouraging City employees and patrons of City-owned buildings to commute by bicycle instead of by automobile.

(5) The proposed legislation is consistent with Priority Policy 5 in that it does not involve commercial office development, which may displace any industrial or service sector employment.

(6) The proposed legislation is consistent with Priority Policy 6 in that it will not adversely affect the City's ability to protect against injury and loss of life in an earthquake.

(7) The proposed legislation is consistent with Priority Policy 7 in that it will not adversely affect any landmarks or historic buildings.

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(8) The proposed legislation is consistent with Priority Policy 8 in that it has no negative effect on parks and open space and their access to sunlight and vistas.

Section 5. The San Francisco Traffic Code is hereby amended by repealing Sections 97 and 99.

Section 6. SEVERABILITY. If any part or provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

Section 7. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE. In undertaking the adoption and enforcement of this Ordinance, the City and County is undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is

liable in money damages to any person who claims that such breach proximately caused injury.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Adine Varah
ADINE VARAH
Deputy City Attorney

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 980564 **Date Passed:**

Ordinance amending Traffic Code by adding Article 5B, Section 110 to protect the integrity of existing bicycle facilities and Section 38N to prohibit parking in bicycle lanes, by amending Section 3.14 to conform to the State Vehicle Code definition of bicycle and Section 4 to conform to State Vehicle Code provisions regarding the rights and duties of bicycle riders; amending Administrative Code by adding Section 2.76 to authorize monitored bicycle parking at large public events; amending Planning Code Section 155 to clarify that any bicycle parking requirements under that section will not conflict with Sections 155.1 and 155.2, amending Planning Code Section 155.1 to clarify definition and obligations of responsible City official and landlord and deleting obsolete implementation schedule provisions, by adding Section 155.2 to require bicycle parking in city-owned parking facilities and privately-owned parking garages and adding Section 155.3 to require shower and locker facilities in new buildings and buildings undergoing major renovations, and by making findings of consistency with the priority policies of Planning Code Section 101.1; and repealing Traffic Code Sections 97 and 99.

October 26, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 2, 1998 Board of Supervisors — AMENDED
Ayes: 11 - Teng, Yaki, Yee, Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom

November 2, 1998 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 9, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Brown

File No. 980564

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 9, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 19 1998
~~NOV 19 1997~~

Date Approved

Mayor Willie L. Brown Jr.

File No. 980564 continued...

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FILE NO. [illegible]

ORDINANCE NO. 3144-78

October 27, 1998.

FILE NO. 98-1379 ORDINANCE NO. 344-98

[Purchaser's Solicitation Authority]

ADDING SECTION 21.55 TO CHAPTER 21 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO ALLOW THE PURCHASER TO USE REQUESTS FOR PROPOSALS TO SOLICIT CONTRACTS FOR COMBINED COMMODITIES AND SERVICES, AND FOR GENERAL SERVICES.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors hereby finds and declares that:

1. The complexity of procuring commodities for the use of City departments has increased since Administrative Code Chapter 21 was enacted to define appropriate procedures for commodities procurement, in that:

(a) The functions and operations of City departments have become more complex; and

(b) Technological developments have increased the variety of commodities that are available for City procurement; and

(c) There is an increased need for expert assistance in conducting needs analysis, assembling, installing and providing consultation and training City employees in the operation of certain equipment and systems.

2. The traditional system of awarding contracts for commodities to low bidders is not always the best value to the City, considering the need for warranties and services from vendors.

3. The traditional system of awarding contracts for general services (*e.g.* janitorial, security and pest control services) to low bidders does not always produce the best value to the City, as non-price related factors, such as the quality of personnel and the experience and references of a firm can be critical to the successful performance of a contract.

4. The option to use a request for proposal for the purpose of selecting providers of commodities in combination with general or professional services, or for general or professional services alone, will give the Purchaser increased flexibility to procure commodities and services using selection criteria that will result in higher quality commodities and services being provided to City departments while still allowing the Purchaser to take price into account in the selection process.

Section 2. Chapter 21 of the San Francisco Administrative Code is hereby amended by adding Section 21.55, to read as follows:

SEC. 21.55 SOLICITATIONS FOR COMBINED COMMODITIES AND SERVICES.

The Purchaser may conduct a solicitation for combined commodities ~~and professional or~~ general services, or for ~~professional or~~ general services, by means of a request for proposals in lieu of an award to the lowest bidder. Award of a contract based on such solicitations shall be based on the evaluation of criteria for selection specified in the request for proposal, which may include price.

mlr 10/27

mlr 10/27

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: CHRISTIANE HAYASHI
Deputy City Attorney

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Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

City and County of San Francisco

Tails

Ordinance

File Number: 981379 **Date Passed:**

Ordinance amending Administrative Code by adding Section 21.55 to allow the purchaser to use requests for proposals to solicit contracts for combined commodities and services, and for general services

November 2, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki
Noes: 1 - Yee

November 9, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yaki
Noes: 2 - Medina, Yee
Absent: 1 - Brown

File No. 981379

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 9, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 19 1998
~~NOV 19 1997~~
Date Approved

Mayor Willie L. Brown Jr.

File No. 981379 continued...

FILE NO. 98-1486 ORDINANCE NO. 345-98

[Conflict of Interest Code]

AMENDING CHAPTER 58 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 58.4, 58.115, 58.125, 58.130, 58.135, 58.145, 58.150, 58.165, 58.180, 58.195, 58.202, 58.207, 58.210, 58.215, 58.220, 58.235, 58.240, 58.255, 58.260, 58.265, 58.270, 58.272, 58.280, 58.285, 58.290, 58.300, 58.310, 58.315, 58.320, 58.323, 58.325, 58.330, 58.340, 58.345, 58.350, 58.370, 58.375, 58.382, 58.383, 58.385, 58.390, AND 58.600; TO ADD, DELETE, AND CHANGE THE TITLES OF DESIGNATED OFFICIALS AND EMPLOYEES TO REFLECT ORGANIZATIONAL AND STAFFING CHANGES NOT PREVIOUSLY REFLECTED IN THE CODE, INCLUDING CHANGES MADE BY THE CITY SINCE THE LAST BIENNIAL REVIEW OF THE CONFLICT OF INTEREST CODE; TO REFINE THE DISCLOSURE REQUIREMENTS APPLICABLE TO SOME DESIGNATED OFFICIALS AND EMPLOYEES; TO CLEARLY IDENTIFY THE FILING OFFICER FOR DEPARTMENT HEADS, AND TO MAKE NONSUBSTANTIVE TECHNICAL CHANGES.

Note: Additions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 58 of the San Francisco Administrative Code is hereby amended by amending Sections 58.1 through 58.600, to read as follows:

CHAPTER 58

CONFLICT OF INTEREST CODE

Sec. 58.1. Adoption of State Code.
Sec. 58.2. Copies of Regulation 18730.
Sec. 58.3. Filing Requirements.
Sec. 58.4. Filing Officers.

Sec. 58.5. Filing Officer Reports.
Sec. 58.6. Notice of Appointment.
Sec. 58.7. Disclosure Category 1.
Sec. 58.8. Disclosure Categories.
Sec. 58.9. Definitions.
Sec. 58.105. Commission on the Aging.
Sec. 58.110. Agriculture, Weights and Measures Department.
Sec. 58.115. Airports Commission.
Sec. 58.120. Animal Control Department.
Sec. 58.125. Asian Art Museum.
Sec. 58.130. Art Commission.
Sec. 58.135. Assessor<u>-Recorder.</u>
Sec. 58.145. Board of Supervisors.
Sec. 58.150. Department of Building Inspection.
Sec. 58.155. City Administrator.
Sec. 58.165. City Attorney.
Sec. 58.168. Civil Grand Jury.
Sec. 58.170. Civil Service Commission.
Sec. 58.175. Commission on the Status of Women.
Sec. 58.177. Community College District.
Sec. 58.180. Controller.
Sec. 58.185. District Attorney.
Sec. 58.190. Economic Opportunity Council.
Sec. 58.195. Department of ((Electricity)) <u>Telecommunications and Information Services</u>
Sec. 58.198. Department of Elections
Sec. 58.200. Emergency Services.
Sec. 58.201. Environment Commission
Sec. 58.202. Ethics Commission.
Sec. 58.205. Board of Examiners, Plumbing and Electrical.
Sec. 58.207. Film and Video Arts Commission.
Sec. 58.210. Fine Arts Museums.
Sec. 58.215. Fire Department.
Sec. 58.220. Housing Authority.
Sec. 58.225. Hazardous Materials Advisory Committee.
Sec. 58.235. Human Resources Department.
Sec. 58.240. Human Rights Commission.
Sec. 58.245. Joint Powers Financing Authority.
Sec. 58.250. Juvenile Probation Commission.
Sec. 58.252. Landmarks Preservation Advisory Board.
Sec. 58.255. Law Library.
Sec. 58.260. Mayor's Office.
Sec. 58.265. Medical Examiner.
Sec. 58.267. Office of Citizen Complaints.
Sec. 58.270. Parking Authority.
Sec. 58.272. <u>Department of</u> Parking and Traffic ((Commission)).
Sec. 58.275. Board of Permit Appeals.
Sec. 58.280. Planning Department.
Sec. 58.285. Police Department.
Sec. 58.290. Port Commission.

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Sec. 58.300. Public Administrator/Public Guardian.
Sec. 58.305. Public Defender.
Sec. 58.310. Public Health Department.
Sec. 58.315. Public Library.
Sec. 58.320. Public Utilities Commission.
Sec. 58.323. Public Transportation Commission.
Sec. 58.325. Public Works Department.
Sec. 58.330. Purchasing Department.
Sec. 58.335. Real Estate Department.
Sec. 58.340. County Clerk((-Recorder)).
Sec. 58.345. Recreation and Park Department.
Sec. 58.350. Redevelopment Agency.
Sec. 58.357. Relocation Appeals Board.
Sec. 58.365. Residential Rent Stabilization and Arbitration Board.
Sec. 58.370. Retirement System.
Sec. 58.375. San Francisco County Transportation Authority.
Sec. 58.380. Sheriff.
Sec. 58.382. Private Industry Council.
Sec. 58.383. San Francisco Unified School District.
Sec. 58.385. ((Social)) Human Services Commission.
Sec. 58.390. Treasurer-Tax Collector.
Sec. 58.405. War Memorial and Performing Arts Center.
Sec. 58.500. Court Positions.
Sec. 58.600. Positions Designated by State-Filing Official.

SEC. 58.4. FILING OFFICERS.

With the exception of those officials identified in Section 58.600, persons holding designated positions shall file their Statements of Economic Interest with the filing officers designated in this Section.

(a) Members of commissions, boards, and committees, as well as department heads, shall file their statements with the Ethics Commission.

(b) The agency heads of the Unified School District, the Community College District, the San Francisco Housing Authority, the Redevelopment Agency, the Office of Citizen Complaints, and the Law Library shall file their statements with the Ethics Commission.

(c) Members of the Civil Grand Jury shall file with the Executive Officer of the Superior Court.

(d) All other persons holding designated positions shall file with their respective department head or the executive director of the agency.

(e) In instances where the proper filing officer for a particular designated position is unclear, the Ethics Commission may designate the filing officer.

SEC. 58.115. AIRPORTS COMMISSION. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Airports Commission to provide, services, supplies, materials, machinery or equipment to the Airports Commission.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities, interests in real property, and income from any sources subject to the regulatory, permit or licensing authority of the Airports Commission.

Designated Positions	**Disclosure Categories**
Airport((s)) Commissioners	1
Airport Director ((of Airports))	1
Airport Deputy Directors ((of Airports, Administration))	1

((Deputy Director of Airports,

Business & Finance	1
Deputy Director of Airports, Facilities, Operations & Maintenance	1
Deputy Director of Airports, Operations	1
Administrator, Bureau of Design & Construction	1
Administrator, Bureau of Planning	1
Administrator, Bureau of Governmental Affairs	1))
Secretary, Airport((s)) Commission	1
((Director Administration	1
Director, Bureau of Community Affairs	1
Assistant Director, Museum Programs	2, 3
Assistant Deputy Director, Operations/Control	1
Assistant Deputy Director, Operations/Management	1
Assistant Deputy Director, Operations/Landslide	1
Assistant Deputy Director, Facilities Operations & Maintenance	1
Assistant Deputy Director, Environmental Control, FOM	1
Assistant Deputy Director, Business & Finance	1))

Chief Financial Officer	1
Chief Operating Officer	1
Director, Bureau of Community Affairs	1
Director, International Aviation Development	1
Assistant Deputy Directors	1
Associate Airport Deputy Directors	1
Airport Assistant Administrators	1
Airport Budget Managers	2, 3
((Airport Business Development Coordinator	2, 3))
Airport Communications Coordinators	2, 3
Airport Economic Planners	2, 3
Airport Facilities Service Managers	2, 3
Special Assistants XXII	1
Special Assistants XXI	1
Special Assistants XX	1
Special Assistants XIX	1
Special Assistants XVIII	1
Special Assistants XVII	1
Special Assistants XVI	1
Special Assistants XV	1
Special Assistants XIV	1
Airport Insurance Managers	2, 3
Airport Operations Superintendents	2, 3
Airport Parking Managers	2, 3

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Airport Property Specialists ((II)) 2, 3
((Airport Property Specialist I 2, 3
Budget Manager 2, 3))
Building Inspector/Quality Control Branch
Head((, Facilities Operations & Maintenance))
-- FOM 2, 3
((Business Development Coordinator 2, 3
Chief, Airport Police 2, 3))
Chief of Systems ((2, 3)) 1
Consultants* ((1)) 2, 3
Construction Inspectors 2, 3
Curator in Charge of Aviation Library 2, 3
Senior Museum Registrar 2, 3
Assistant Director, Exhibitions 2, 3
((Deputy Chief, Airport Police 2, 3
Director, Bureau of Exhibits
& Cultural Education 2, 3
Director, Bureau of Property Management 1))
Electrical Inspectors 2, 3
Economic Planners 2, 3
Environmental Planners III 2, 3
Facilities Planning Managers 2, 3
Managers, Scheduling and Control 2, 3
Manager, Prevailing Wage 2, 3
Manager, Employment Development 2, 3

Manager, Customer Service 2, 3
Mechanical Inspectors 2, 3
((Mechanical Maintenance Supervisor 2, 3))
Plumbing Inspectors 2, 3
Principal Architects 2, 3
Principal Civil Engineers
((/Environmental Control Facilities
Operations & Maintenance)) 2, 3
((Principal Engineer, Bureau of Design
& Construction 2, 3
Principal Engineer Technical Services
Facilities Operations & Maintenance 2, 3
Project Manager II, Bureau of Design
& Construction 2, 3
Project Manager III, Bureau of Design
& Construction 2, 3
Project Manager IV, Bureau of Design
& Construction 2, 3))
Project Managers I((, FOM)) 2, 3
Project Managers II((, FOM)) 2, 3
Project Managers III((, FOM)) 2, 3
Project Managers IV 2, 3
Senior Architects 2, 3
Senior Departmental Personnel Officers 2, 3
Senior Engineer/Scheduling & Control

((Facilities Operations & Maintenance))

-- FOM 2, 3

((Senior Traffic Engineer

(Manager, Landside Operations) 2, 3

Special Assistant XV, Administration 2, 3

Special Assistant XIII, Administration 2, 3

Special Assistant XI, Operations 2, 3

Special Assistant 1376 XVII,

Bureau of Design & Construction 1

Special Assistant 1377 XVIII,

Bureau of Planning 1

Special Assistant 1374 XV,

Bureau of Planning 1

Special Assistant 1372 XIII,

Bureau of Planning 1))

Superintendent of Maintenance((/Maintenance

Facilities Operations & Maintenance))

-- FOM 2, 3

((Superintendent, Terminal Operations 2, 3))

Supervising Fiscal Officers 2, 3

Transportation Planner V,

Bureau of Planning 1

Airport Operations Coordinators 1

* With respect to consultants, the Airport Director ((of Airports)) may determine in writing that a particular consultant is

hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Airport Director ((of Airports)) shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

SEC. 58.125. ASIAN ART MUSEUM. Disclosure Category 2. Persons in this disclosure category shall disclose all investments in, income from, and business positions in an business entity involved in the buying and selling of works of Asian art or in the business of installing or maintaining security systems, which do business in the jurisdiction, or which have done business in the jurisdiction in the past two years, or which may foreseeably do business in the jurisdiction in the future.

Designated Employee	**Disclosure Category**
Commissioner	All 2
Director	
Chief Curator	
((Deputy Director))	
Curator	

SEC. 58.130. ART COMMISSION. Disclosure Category 2. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which

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does business with the Art Commission, or has done business with the Art Commission within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Art Commission in the future.

Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which is subject to the regulatory, permit or licensing authority of the Art Commission.

Designated Employee	**Disclosure Category**
Commissioners	2
Director of Cultural Affairs	1
Assistant Director	1
Curator	2
Curatorial Aide	2
Registrar	2
Street Artist Director	((3)) 2
Street Artist Advisory Committee	3
Neighborhood Arts Program Director	2
Arts Education Officer	2
Special Assistant Cultural Facilities Management	2
Project Manager, Writers Corps	2

SEC. 58.135. ASSESSOR-RECORDER.

Designated Positions	**Disclosure Categories**
Assessor	All 1

Executive Assistant
Chief Assistant Assessor
Recorder
Chief Appraiser
Chief Personal Property Appraiser
Assistant Chief Real Property Appraiser
Assistant Chief Personal Property Auditor
Chief, Technical Services
Assistant Chief, Technical Services
Chief, Assessment Standards
Principal Real Property Appraiser–Special Valuations
Principal Real Property Appraiser
Principal Personal Property Auditor
Senior Real Property Appraiser
Senior Personal Property Auditor
Real Property Appraiser
Real Property Appraiser Trainee
Senior Manager
Principal Accountant
Personal Property Auditor
Civil Engineer Associate
Confidential Secretary to the Assessor
MIS
MIS Manager
MIS Specialist

SEC. 58.145. BOARD OF SUPERVISORS. Disclosure Category 2. Persons in this category shall disclose all investments and business positions held in business entities, and income from any business entity, engaged in the development, manufacture, distribution, sale or lease of computer hardware or software.

Disclosure Category 3. Persons in this category shall disclose all interests in real property.

Designated Positions	**Disclosure Categories**
Member, Board of Supervisors	See Section 58.600
Clerk of the Board	1
Budget Analyst	1
Member, Assessment Appeals Board	1
Alternate Member, Assessment Appeals Board	1
Hearing Officer, Assessment Appeals	1
Assessment Appeals Administrator	3
((Management Information Specialist	2))
IS Administrator III	2
Legislative Assistant	1
Chief Legislative Analyst	1
Senior Legislative Analyst	1
Legislative Analyst	1
Constituent Liaison	1

SEC. 58.150. DEPARTMENT OF BUILDING INSPECTION.

Designated Positions	**Disclosure Categories**
Building Inspection Commission Member	All 1

Building Inspection Commission Secretary	
Director of Building Inspection	
Deputy Director, Permit Services	
Deputy Director, Inspection Services	
((Personnel Analyst))	
Departmental Personnel Officer	
Manager of Administration	
Manager of Central Permit Bureau	
Building Code Analyst	
Senior Civil Engineer	
Building Plans Engineer	
Mechanical Engineer	
Assistant Mechanical Engineer	
Structural Engineer	
Civil Engineer	
Associate Civil Engineer	
Assistant Civil Engineer	
Chief Building Inspector	
Senior Building Inspector	
Building Inspector	
Chief Electrical Inspector	
Senior Electrical Inspector	
Electrical Inspector	
Chief Plumbing Inspector	
Plumbing Inspector	

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Chief Housing Inspector
Senior Housing Inspector
Housing Inspector
Management Assistant (Permit Expediter)
Board of Examiner Member
Senior Plumbing Inspector
((Manager, Construction Services Center))
Chief Clerk
Permit Clerk II
Access Appeals Commission Member
Seismic Investigation and Hazard Survey
Advisory Committee Member
Unreinforced Masonry Buildings Appeals Board Member
One-Stop Permit Manager
One-Stop Permit Coordinator
One-Stop Permit Clerk
Manager of Customer Services

SEC. 58.165. CITY ATTORNEY. (a) **Disclosure Category 2.** Persons in this category shall disclose all interests in real property, and all income from and investments in business entities which hold interests in real property in the jurisdiction, and all business positions held in such business entities.

(b) **Disclosure Category 3.** Persons in this category shall disclose all sources of income, all investments, and all business

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positions in any business entity which does business in this jurisdiction.

(c) **Disclosure Category 4.** Persons in this category shall disclose all income from, and investments in, business entities which provide services, supplies, materials, machinery or equipment of the type used by the Office of the City Attorney, and all business positions held in such entities.

Designated Positions	**Disclosure Categories**
City Attorney	See Section 58.600
Chief Assistant City Attorney	1
Chief Deputy City Attorney	1
Special Assistant, Board of Supervisors	1
Special Assistant, for Government Litigation ((Affairs))	1
Chief, Litigation Division	3
Chief, Civil Litigation	3
Chief, ((of)) Complex Litigation	3
Chief, ((of)) Special Litigation	1
((Chief, Trial Division	3))
Lead Attorney, Government Law Division ((Section))	1
Attorneys, Ethics	1
Attorneys, Telecommunications	3
Attorneys, Finance, Transactions, and Special Projects	1
Lead Attorney, Airport	1

Lead Attorney, Code Enforcement 2

Lead Attorney, Construction 1

Attorneys, Contracts 1

Attorneys, Environment 2

Lead Attorney,

Health and Human Services 3

Lead Attorney, Labor Relations 1

Attorneys, Land Use ((Unit)) 2

((Attorneys, Retirement Unit 1

Attorneys, Contracts Unit 1

Attorneys, Finance and Negotiated

Transactions 1))

Attorneys, Taxation 1

((Attorneys, Telecommunications 3

Lead Attorney,

Health and Social Services Unit 3

Lead Attorney, Airport Unit 1

Attorneys, Ethics Unit 1))

Lead Attorney, Port ((Unit)) 1

Lead Attorney, Public Utilities ((Unit)) 1

((Lead Attorney, Construction Advice and

Public Works Contracting 1

Lead Attorney, Code Enforcement Unit 2))

Lead Attorney, Public Transportation 1

Attorneys, Retirement 1

Chief, ((Bureau of)) Claims

and Investigations Division 3

((Executive Officer, General Administration 4))

Chief, Administrative Services 4

Chief Financial Officer 4

SEC. 58.180. CONTROLLER.

Designated Positions	**Disclosure Categories**
Controller	All 1
Chief Assistant Controller	
Director, Accounting Operations and Systems Division	
((Director,)) Personnel ((Division)) Officer	
Director, Payroll and Personnel Systems Division	
Director, Internal Audits Division	
Director, Budget, Analysis & Reports Division	

SEC. 58.195. DEPARTMENT OF ((ELECTRICITY)) TELECOMMUNICATIONS AND INFORMATION SERVICES. Disclosure Category 2. Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Department of ((Electricity)) Telecommunications and Information Services to provide, services, supplies, materials, machinery or equipment to the Department of ((Electricity)) Telecommunications and Information Services.

Designated Positions	**Disclosure Categories**
Director	1

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Deputy Director for Policy & Compliance	2
Deputy Director for Administration	2
Deputy Director for Enterprise Computing	2
Deputy Director for Network Engineering	2
Deputy Director for Network Facilities	2
Deputy Director for Applications Development	2
Director of C.O.I.T.	2
Business Manager	2
((General Manager	2
Manager, Radio Engineer Division	2
Manager, Telecommunications Division	2
Manager, Financial Administration Division	2
Managers, Public Safety Operations	2
Manager, Public Safety Facilities	2
Deputy General Manager	2
Manager, General Services	2
Manager, 800 MHZ Project	2))

SEC. 58.202. ETHICS COMMISSION.

Designated Positions	**Disclosure Categories**
Commission Member	All 1
Executive Director	((1))
Chief Investigator/Deputy Executive Director	
Investigator/Auditor	((1))
Whistleblower/Educator	((1))
Campaign Finance Officer	

Campaign Finance Auditor	
((Administrative Assistant	1
Auditor	1))
Consultant	((1))

SEC. 58.207. FILM AND VIDEO ARTS COMMISSION. Disclosure Category 2. Persons in this category shall disclose all investments and business positions in, and income from, any film company that does business in the City and County within two years of the period covered by any statement of economic interest, or may foreseeably do business in the City and County. The term "film company" shall have the meaning ascribed to it by Section 57.1 of the Administrative Code of the City and County of San Francisco.

Designated Positions	**Disclosure Categories**
Commissioner	2
Executive Director	1
((Administrator)) Administrative Assistant	1

SEC. 58.210. FINE ARTS MUSEUMS. Disclosure Category 2. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the buying or selling of works of art and which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

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Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, engaged in the construction trade and which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 4. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the sale and/or installation of signaling systems, including fire alarms, burglar alarms and similar systems, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 5. Persons in this category shall disclose all investments and business positions in any business entity, and income from any source, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 6. Persons in this disclosure category shall disclose all investments and business positions in any business

entity, and income from any source, involved in the design and publication of printed material, or the reproduction of works of art, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 7. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the manufacture, sale, lease, distribution or provision of computers and computer services, which does business with the Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 8. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which manufactures or sells supplies, books, machinery or equipment, or which provides services, of the type used by the department for which the designated employee is manager or director.

Designated Positions	**Disclosure Categories**
Trustee	2, 3, 4
Director	5
Associate Director/Chief Curator	5
Director of Exhibitions and	

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
PUBLIC LIBRARY

Technical Production 3, 5
Director of Advertising and Promotion 8
Director of Membership and Annual Fund 5
Deputy Director for Administration and Finance 5
((Deputy Director for Marketing and Membership 5
Deputy Director for Operations 5))
Deputy Director for Development 5
Curator-In-Charge, American Art 2, 6
Curator-In-Charge, Textiles 2, 6
Curator-In-Charge, Africa((/)), Oceana and the Americas 2, 6
Curator-In-Charge, Achenbach Foundation for Graphic Arts 2, 6
Head Conservator, Paintings Conservation 2
Head Conservator, Paper Conservation Lab 2
Head Conservator, Textiles Conservation 2
Head Conservator, Objects Conservation 2
((Chief Registrar)) Director of Registration 7
Buildings & Grounds Maintenance Superintendent 3, 4, 8
Controller 5
Director of Education 6
((Coordinator of Exhibitions)) Director of

Exhibition Planning 5
Librarian ((II)) 6
((Publications Manager)) Director of Publications and Graphic Design 6
Visitor and Visitor Services Manager 8
Chairman of Conservation Labs/Head of Paper Conservation Lab/((,)) Director of Collection Imaging 2, 7
((Museum Stores)) General Manager of Museum Stores 8
Director of Media Relations 8
((Legion/))de Young Project Manager 3, 4, 5, 7, 8

SEC. 58.215. FIRE DEPARTMENT. Disclosure Category 2. Persons in this disclosure category shall disclose all interests in real property, and all investments in, income from, and any business position in any business entity which manufactures or sells supplies, materials, machinery or equipment of the type purchased by the San Francisco Fire Department, or which provides services of the type used by the Department.

Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in business entities, and income from any source, which manufactures or sells supplies, materials, machinery or equipment of the type purchased by the San Francisco Fire Department, or which provides services of the type used by the Department.

Disclosure Category 4. Persons in this disclosure category shall disclose all investments and business positions in business entities, and income from any source, which provides personnel training services of the type used by the Department.

Designated Positions	**Disclosure Categories**
Commissioners	1
Chief of Department	1
Deputy Chief of Department	1
Assistant Deputy Chief(((/Administration)) II	2
((Assistant Deputy Chief of Management Services	4
Assistant Chief/Support Services	2))
Captain, Bureau of Equipment	3
Assistant Chief, ((–)) Airport	1
Fire Marshal	1
Assistant Chief	3
Operations/Training Supervisor, ((( ))Airport(( )))	3
((Bureau of)) Fire Prevention((:)) - all ranks Employees with inspection responsibilities((, all ranks))	1
Utility Plumber Supervisor I	2
Utility Plumber Supervisor II	2
H-53 EMS Chief	2
H-43 EMS Section Chiefs	2

((Emergency Medical Coordinator	3
Manager of Human Resources	4))

SEC. 58.220. HOUSING AUTHORITY. Disclosure Category 2. Persons in this disclosure category shall disclose all investments in, income from, and any business position in any business entity which leases, rents or operates from property of the San Francisco Housing Authority, or which provides or contracts with the Housing Authority to provide, services, supplies, materials, machinery or equipment to the Authority, or which has done so within the two years prior to the filing of any disclosure statement, or which may foreseeably do so in the future.

Disclosure Category 3. Persons in this disclosure category shall disclose all income from any person who applies for housing with the San Francisco Housing Authority, or who has submitted such an application within the two years prior to the filing of any disclosure statement.

Disclosure Category 4. Persons in this disclosure category shall disclose all interests in real property in the City and County of San Francisco, and investments and business positions in business entities and income from any source which owns, leases, rents or manages any real property in the City and County of San Francisco.

Designated Positions	**Disclosure Category**
Commissioners	1
Executive Director	1
Deputy Executive Director	1

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
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((Deputy Executive Director for Housing Operations 1
Deputy Executive Director for Community Revitalization 1))
Executive Assistant to the Executive Director 1
Inspector General 1
General Counsel 1
((Legal Counsel 1
Assistant Legal Counsel 1))
Director of Internal Audit 1
((Director, Resident and Community Services 2
Director, Neighborhood Initiatives 2))
Director of Finance 2
Accounting Manager 2
((Information Systems Manager 2))
Materials Manager 2
Material Control Officer 2
Procurement Officer 2
Buyer 2
Budget Supervisor 2
((Director of Housing Development 2))
Senior Project Manager 2
Project Manager 2
Hope VI/New Construction Manager 2

Modernization Manager 2
Construction Inspector 2
Engineering Associate 2
Senior Industrial Hygienist 2
Architectural Associate I 2
Architectural Associate II 2
((Director of Housing Management 2
District Manager 2
Relocation Manager 2
Rent Collection Manager 2))
Public Information Officer 2
Director of Human Resources 2
Recruitment/Labor Relations Manager 2
((Personnel Manager 2))
Safety Specialist 2
Affirmative Action Officer 2
((Director of Maintenance 2
Maintenance Operations Manager 2))
Administrator of Modernization & Rehabilitation 1
Administrator of Business Administration & Support 1
Administrator of Housing Development 1
Customer Service Administrator 1
Administrator of Leased Housing 1

Administrator of Social Services	1
Assistant General Counsel	2
Senior Attorney	2
Certified Paralegal	2
Risk Management Officer	2
Administrative Officer	2
Accounting Supervisor	2
Director of Management Information Systems	2
Director of Contracting	2
Labor & Employee Relations Specialist	2
Director of Diversity & Training	2
Director of Administrative Services	2
Public Safety Specialist	2
District Customer Service Director	2
Director of Central Services	2
Administrative Director	2
Planning and Program Development Manager	2
General Manager, Family Sweep	2
General Manager, Senior Sweep	2
Deputy Administrator of Social Services	2
Chief of Economic & Employment Development	2
Grants Manager	2
Associate Grants Manager	2
Director of OCRI	2
Director of Safety	2

Director of Senior Social Services	2
Financial Advisor	2
Employment & Relocation Services Manager	2

** **Consultants.** With respect to consultants, the Executive Director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

SEC. 58.235. HUMAN RESOURCES DEPARTMENT. Disclosure Category 2. Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Human Resources Department to provide, services, supplies, materials, machinery or equipment to the Human Resources Department.

Designated Positions	**Disclosure Categories**
Human Resources Director	1
Executive Director, Health Services System	1
Members, Health Service Board	1
Employee Relations Director	2
((Criminal Justice Specialist	1

DOCUMENTS DEPT.
DEC 2 9 1998
SAN FRANCISCO
PUBLIC LIBRARY

Criminal Justice Specialist II	1
Community Development Assistant	1
Community Development Specialist	1
Senior Community Development Specialist I	1
Senior Community Development Specialist II	1
Executive Deputy Mayor	1
Executive Deputy Program Administrator	1
Executive Aide to Mayor	1
Special Assistant Program Coordinator	1
Supervising Community Development Specialist	1
Special Assistant I	1
Health Services Administrator	2))
Division Manager, Personnel	2
Assistant Division Manager, Personnel	2
Affirmative Action Coordinator	2
Director of Training	2

SEC. 58.240. HUMAN RIGHTS COMMISSION. Disclosure Category 2. Persons in this position shall disclose all investments and business positions in business entities, interests in real property, and sources of income subject to the regulatory, permit or licensing authority of the Human Rights Commission.

Designated Positions	**Disclosure Categories**
Members, Human Rights Commission	2
Executive Director	1
Contract Compliance Officer II	2

Contract Compliance Officer I	2

SEC. 58.255. LAW LIBRARY. Disclosure Category 2. Persons in this category shall disclose all sources of income from any business that sells or provides supplies, materials, books, machinery or services or equipment of the type utilized by the San Francisco Law Library in an aggregate of $5,000 per annum or more.

Designated Positions	**Disclosure Categories**
Law Librarian – Secretary	All((1)) 2
Chief Assistant Law Librarian	
Members of the Board of Trustees	

SEC. 58.260. MAYOR'S OFFICE.

Designated Positions	**Disclosure Categories**
Mayor	See Section 58.600
Administrative Secretary to the Mayor	1
Mayor's Program Manager	1
Special Assistant for Program Development	1
Coordinator for Citizen Involvement	1
Intergovernmental Affairs Coordinator	1
Deputy Director, Mayor's Criminal Justice Council	1
Port Director/Treasure Island	1
Director, Mayor's Office of Business & Econ. Dev./Chief Economic Advisor	1
Special Assistant II	1
Special Assistant III	1

Special Assistant IV	1
Special Assistant V	1
Special Assistant VI	1
Special Assistant VII	1
Special Assistant VIII	1
Special Assistant IX	1
Special Assistant X	1
Special Assistant XI	1
Special Assistant XII	1
Special Assistant XIII	1
Special Assistant XIV	1
Special Assistant XV	1
Special Assistant XVI	1

SEC. 58.265. MEDICAL EXAMINER. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Medical Examiner((-Coroner)) to provide, services, supplies, materials, machinery or equipment to the Medical Examiner((-Coroner)).

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities, interests in real property, and sources of income subject to the regulatory, permit or licensing authority of the Medical Examiner((-Coroner)).

Designated Positions	**Disclosure Categories**
Chief Medical Examiner((-Coroner))	1
((Administrative Coroner	2, 3))
Medical Examiner's Administrator	2, 3

SEC. 58.270. PARKING AUTHORITY.

Designated Positions	**Disclosure Categories**
Members of the Parking Authority	All 1
Director	
((Assistant)) Deputy Director	

SEC. 58.272. DEPARTMENT OF PARKING AND TRAFFIC ((COMMISSION)).

Designated Positions	**Disclosure Categories**
Commissioners	All 1
Executive Director	((1))
Deputy Director, Finance and Administration	
Deputy Director, Traffic	
Deputy Director, Enforcement	
Deputy Director, Parking Services	
((Bureau Chief, Parking	1
Bureau Chief, Traffic	1
Director, Off-Street Parking	1))

SEC. 58.280. PLANNING DEPARTMENT. (a) **Disclosure Category 2.** Persons in this category shall disclose all interests in real property, and all income from, and investments and business positions in any business entity that is principally involved in real estate development, architecture, design, engineering, real estate

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
PUBLIC LIBRARY

brokerage, real estate finance or appraisal, or historic preservation.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and the Department of City Planning to provide, services, supplies, materials, machinery or equipment to the Department of City Planning.

Designated Positions	**Disclosure Categories**
Planning Commissioners	See Sec. 58.600
Director of Planning	1
Special Assistant XVI	1
((Deputy Director of Planning	1
Assistant Director – Plans & Programs	1))
Assistant Director – Implementation	1
Planner V – General	1
Planner V – Zoning	1
Environmental Review Officer	1
Administrative Secretary, City Planning Commission	1
((Capital Programs Manager	1))
Planner IV – General	1
Planner IV – Zoning	1
Planner IV – Environmental Review	1
Planner IV – Urban Systems Analyst	1

Planner III – Urban Design	2
Planner III – Transportation	2
Planner III – General	2
Planner III – Zoning	2
((Planner III – Administration	2, 3))
Planner III – Environmental Review	2
Planner II	2
Planner I	2
Transit Planner IV	1
Transit Planner III	2
Transit Planner II	2
Architectural Assistant II	2
Architectural Assistant I	2
Consultants*	1
((Deputy Zoning Administrator	1
Special Assistant IX	2))

* With respect to consultants, the Director of Planning may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director of Planning shall forward a copy of this determination to the Board of Supervisors.

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Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

SEC. 58.285. POLICE DEPARTMENT. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Police Department to provide, services, supplies, materials, machinery or equipment to the Police Department.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities, interests in real property, and income from any source subject to the regulatory, permit or licensing authority of the Police Department.

Designated Positions	**Disclosure Categories**
Police Commissioners	1
Chief of Police	1
Deputy Chief of Police	1
Assistant Chief of Police	1
All Captains of Police	1
Commanders of Police	1
Commanding Officers, District Stations	1
Commanding Officer, Planning Division	((1)) 2
Commanding Officer, Vice Crimes	1
Commanding Officer, Property Control Division	1
Commanding Officer, Fiscal Division	1

Commanding Officer, Legal Division	1
Legal Officers	1
Commanding Officer, Permits Section	3
Officer in Charge, Permit Section	3
Chief's Permit Hearing Officer	((1)) 3
Officer in Charge of the Police Law Enforcement Services Unit	1
Officer in Charge of Management Control Division	1
Officer in Charge of Management Information Systems	1
Chief Accounting Officer	2
Commanding Officer – Special Investigations	1
Commanding Officer – Narcotics Division	1
Lieutenant – Vice Crimes	1
Lieutenant – Narcotics	1

SEC. 58.290. PORT COMMISSION. Disclosure Category 2. Persons in this category shall disclose all investments in any business entity and income from any source which leases, rents or operates from property under the jurisdiction of the Port Commission, or which provides, or contracts with the City and County of San Francisco or the Port Commission to provide, services (including construction, repair and maintenance), equipment, materials, supplies, vehicles, or other items of use to the Port Commission, or which may foreseeably do so in the future, or which has done so within two years prior to

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
PUBLIC LIBRARY

any time period covered by a statement of economic interest, and his or her status as a director, officer, partner, trustee, employee, or holder of any management position in any such business entity.

Designated Positions	**Disclosure Categories**
Port Commissioners	1
Port Director	1
Commercial Property Manager	2
Assistant Rental Manager	2
Cargo Operations Manager	2
Wharfinger II	2
Chief Harbor Engineer	1
Chief Building Inspector	2
Building Inspector	2
Construction Inspector	2
Supervising Fiscal Officer	1
Superintendent, Harbor Maintenance	1
Deputy Directors, Port	1
Government and Public Affairs Manager, Port	1
Cargo Sales & Marketing Representative	2
Senior Property Manager	2
Manager, Port Planning & Development	2
Manager, Regulatory & Environmental Affairs	2
Marketing Manager	1
Financial Manager	1
Assistant Superintendent Harbor Maintenance	2

Manager, Leasing & Tenant Services	1
Administrative Services Officer	2

* With respect to consultants, the Executive Director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

SEC. 58.300. PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN.

Designated Positions	**Disclosure Categories**
Public Administrator & Public Guardian	All 1
Assistant Public Administrator/Public Guardian	
Attorney for Public ((Guardian)) Administrator	
Senior Attorney, Civil & Criminal	
Sr. Admin. Analyst (Deputy for Finance and Administration)	

SEC. 58.310. PUBLIC HEALTH DEPARTMENT. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from all laboratories, clinics, hospitals, rest homes, nursing homes, and outpatient care facilities, all medical, surgical, psychiatric,

psychological, and related practices, all medical supply firms, drug companies, and insurance companies; all child or adult care facilities; all medical or social service consulting firms; and any source which provides, or contracts with the City and County of San Francisco and its Public Health Department to provide, services, supplies, materials, machinery or equipment to the Public Health Department.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities, interests in real property, and income from any source subject to the regulatory, permit or licensing authority of the Department of Public Health.

Designated Positions	**Disclosure Categories**
Health Commissioner	1
((Executive Assistant to the Administrator, SFGH	2))
Executive Assistant to the Director of Health	2
Administrator, SFGH Medical Center	1
Director of Health	1
Departmental Personnel Officer	2
Senior Personnel Officer	2
Personnel Director	1
((Chief Accountant	2))
Finance Director, DPH	1
Supervising Fiscal Officer	2

((Chief Telephone Operator	2))
MIS Manager	2
Senior Administrative Analyst (Contracts Office Only)	2
Principal Administrative Analyst (Contracts Office Only)	2
((Senior Management Assistant	2))
Materials & Supplies Supervisor	2
Materials Coordinator	2
Chief Medical Records Administrator	2
Director of Patient Financial Services & Admissions	2
((Hospital Administrative Assistant	2))
Hospital Assistant Administrator	1
Hospital Associate Administrator	1
Associate Administrator, Medical Services, LHH	1
Administrator, LHH	1
Director, Dental Division	1
((Physician Specialist	2))
Senior Physician Specialist (Leadership Positions Only)	2
Supervising Physician Specialist	2
Radiologist/Chief of Medical Staff	1
((Assistant Director of Clinical Services I	2

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
PUBLIC LIBRARY

1	Assistant Director of Clinical Services II	2
2	Director of Clinical Services	1))
3	Head Nurse	2
4	Assistant Director of Nursing	1
5	Director of Nurses, LHH	1
6	Senior Pharmacist	2
7	Director of Pharmaceutical Services	2
8	Pharmacy Director, LHH	2
9	Director, Public Health Laboratories	2
10	((Clinical Psychologist	2
11	Research Psychologist	2
12	Health Program Coordinator III	2))
13	Administrative Chef	2
14	Director of Food Services	2
15	((Senior Sewing Technician	2))
16	Assistant General Services Manager	2
17	General Services Manager	2
18	Associate Director, AIDS	1
19	Deputy Director for Business & Operation	1
20	Deputy Director for Mental Health Programs	1
21	Deputy Director, Public Health Programs	1
22	((Hospital Eligibility Supervisor	2))
23	Medical Social Worker Supervisor	2
24	Chief, Medical Social Services	2
25	Conservatorship/Case Management Supervisor	2

1	((Chief Psychiatric Social Worker	2))
2	Environmental Health Inspector	3
3	Senior Environmental Health Inspector	3
4	Principal Environmental Health Inspector	3
5	Director, Bureau of Environmental Health	
6	Services	1
7	Assistant Director, Bureau of Environmental	
8	Health Services	1
9	Industrial Hygienist	2
10	Building & Grounds Maintenance	
11	Superintendent	2
12	Chief Stationary Engineer	2
13	Institutional Police Lieutenant	2
14	MIS Director	1
15	Administrator, Health Information Services	2
16	Associate Affirmative Action Coordinator	2
17	Secretary, Health Commission	1
18	((Principal Account Clerk	2))
19	Director of Patient Accounts	2
20	((Management Assistant	2))
21	Senior Storekeeper	2
22	Assistant Materials Coordinator	2
23	Director of Medical Records	2
24	Senior Associate Administrator	1
25	((Dentist	2

1	Physician Assistant	2
2	Physician	2
3	Senior Physician	2))
4	Medical Director, DPH	1
5	((Clinical Nurse Specialist	2))
6	Nursing Supervisor	2
7	((Nurse Practitioner	2))
8	Assistant Director of Nursing, Staff	
9	Development & Research	1
10	Assistant Director of Nursing, LHH	2
11	Rad. Tech. Supervisor	2
12	Director, Radiology	1
13	((Assistant Chief, Paramedic Division	1))
14	Emergency Medical Services Agency Specialist	2
15	((Chief Paramedic	2))
16	Rehabilitation Coordination	2
17	((Acupuncturist	2
18	Supervisor, Clinical Psychologist	2))
19	Employee Referral Program Director (EAP)	2
20	Food Service Manager	2
21	((Epidemiologist III	2))
22	Principal Disease Control Investigator	2
23	Chief, Bureau of Records and Statistics	2
24	((Health Program Planner	2
25	Senior Health Program Planner	2))

1	Director of Health Program Planning	1
2	((Health Educator	2
3	Mental Health Educator	2))
4	Chief, Bureau of Health Education	2
5	((Senior Health Educator	2
6	Nutritionist	2))
7	Director, WIC Program, DPH	1
8	Director, Business & Operations Support, MHP	1
9	Deputy Director of Adult Services, CMHS	1
10	Deputy Director of Institutions, DPH	1
11	Program Chief, CPHS	1
12	Hospital Eligibility Manager	2
13	DPH Contract Compliance Officer II	2
14	Contract Compliance Officer I	2
15	((Safety Analyst	2))
16	Assistant Industrial Hygienist	2
17	Senior Industrial Hygienist	2
18	Hazardous Materials Permit Program Manager	2
19	Manager, Office of Health and Safety	2
20	Director of Toxics and Safety Services	1
21	Institutional Police Sergeant	2
22	Institutional Police Captain	2
23	((Assistant Chief, Paramedics	2))
24	Director of Homeless Programs	2
25	((Budget Director	2))

DOCUMENTS DEPT.
DEC 2 9 1998
SAN FRANCISCO
PUBLIC LIBRARY

Director of Public Information	2
Telecommunications Systems Director	2
Assistant Director, MIS	2
((Assistant Director Budget & Planning	2))
Health Center Manager	2
((Dep. Paramedic Chief	2
Program Support Analyst	2))
Elig. Section Manager	2
Special Assistant (VII-XVII)	2
Director of Activities, Therapy & Volunteer Services	2
Nursing Supervisor, Psychiatry	2
((Sr. Psych Social Worker (MHRF)	2))

SEC. 58.315. PUBLIC LIBRARY. Disclosure Category 2. Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Public Library Department to provide, services, supplies, materials, machinery or equipment to the Public Library Department.

Designated Positions	**Disclosure Categories**
Commissioners	1
City Librarian	1
((Assistant)) Deputy City Librarian	2
((Chiefs and Coordinators)) Librarian IV	2
Secretary to the Library Commission	2

Librarians, Order Department	2
Librarian, S.F. History Room	2
Librarian, Special Collections	2
Librarian, Periodical Processing	2

SEC. 58.320. PUBLIC UTILITIES COMMISSION. (a) **Disclosure Category 2.** ((Persons in this category shall disclose all sources of income, investments and his or her status as a director, officer, partner, trustee, employee, or holder of a management position in any business entity.)) Persons in this category shall disclose all investments in any business entity and any income from a source which, within the previous two years, did or in the future foreseeably might, lease, rent, or operate from the property of the Clean Water Enterprise or provide or contract with the Clean Water Enterprise to provide service (including construction, repair, and maintenance), equipment, materials, supplies, vehicles, or other items of use to the Clean Water Enterprise, and his or her business position in any such business entity.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments in any business entity and any income from a source which, within the previous two years, did or in the future foreseeably might, lease, rent, or operate from the property of the San Francisco Water Department or provide or contract with the San Francisco Water Department to provide service (including construction, repair, and maintenance), equipment, materials, supplies, vehicles, or other items of use to the San Francisco Water

Department, and his or her ((status as a director, officer, partner, trustee, employee, or holder of a management)) business position in any such business entity.

(c) **Disclosure Category 4.** Persons in this category shall disclose all investments in any business entity and any income from a source which, within the previous two years, did or in the future foreseeably might, lease, rent, or operate from the property of Hetch Hetchy or provide or contract with Hetch Hetchy to provide service (including construction, repair, and maintenance), equipment, materials, supplies, vehicles, or other items of use to Hetch Hetchy, and his or her ((status as a director, officer, partner, trustee, employee, or holder of a management)) business position in any such business entity.

Designated Positions	**Disclosure Categories**
Public Utilities Commission &	
General Manager	All 1((, 3, 4))
Member, Public Utilities Commission	
General Manager of Public Utilities	
Special Assistant XV	
Administrative Secretary, Public Utilities Commission	
Assistant General Manager, Public Utilities Commission	
Contract Compliance Officer*	
Consultant**	

((**Water Department**	All 1, 3, 4
Commercial Division Manager	
City Distribution Division Manager	
Water Department General Manager	
Senior Civil Engineer	
Superintendent Buildings & Grounds	
Water Construction & Maintenance Superintendent	
Water Shops And Equipment Superintendent))	
Hetch Hetchy Water & Power	
Manager, Bureau of Energy Conservation	1
Maintenance Engineering Manager	1
Superintendent of Operations	1
Administrative Engineer	4
General Manager, Hetch Hetchy	1
Water and Power Specialist	4
Water & Power Resources Manager	1
Maintenance & Repair Superintendent	4
Electrical Operation & Maintenance Superintendent	4
Power Generation Technician I	4
Power Generation Technician II	4
Senior Power Generation Technician	4
Power Generation Supervisor	4
Mechanical Shop & Equipment Superintendent	4
Manager, Regulatory & Environmental Affairs	4

DOCUMENTS DEPT.
DEC 29 1998
SAN FRANCISCO
PUBLIC LIBRARY

Sanitary Engineering Technician 4
Senior Mechanical Engineer 4
Senior Electrical Engineer 4
Electrical Engineer 4
Sr. Administrative Analyst 4

Water Supply & Treatment Division ((All 1, 3, 4))

Operations Manager((- Treatment Plant)) 1
Urban Forester 3
Watershed Resources Manager 3
Water Supply & Treatment Manager 1
((Maintenance Engineering Manager))
Water Construction & Maintenance Superintendent 3
Watershed Forester 3
Principal Civil Engineer 3

City Distribution Division

City Distribution Division Manager 1
Senior Civil Engineer 3
Superintendent, Buildings & Grounds 3
Water Construction & Maintenance Superintendent 3
Water Shops and Equipment Superintendent 3
Stores and Equipment Asst. Supervisor 3

Water Pollution Control Division

Administrative Services Manager 2

Supervisor of Lab. Water Quality Control 2
Public Buildings Maintenance & Repair Assistant Superintendent 2
Sewage Treatment Plant Superintendent 2
Manager, Bureau of Water Pollution Control 1
Deputy Manager, Bureau of Water Pollution Control 1
Chief Stationary Engineer 2
Stationary Engineer - Sewage Inventory Analysis 2
Senior Stationary Engineer 2

Water Quality ((Division)) Bureau

Special Assistant XV 3
Supervisor of Laboratories 3
Water Quality Division Manager 1
Senior Sanitary Engineer 3
Administrative Services Manager 3
Special Assistant XVI 3

Customer Service Bureau

Manager, Customer Service Bureau 1
Water Conservation Administrator 3

Bureau of Engineering All 1

Special Assistant XVII
Special Assistant XVIII
Manager, Utilities Engineering Bureau

Principal Civil Engineer

((Water Quality Division All 1, 3, 4

Special Assistant XV

Supervisor of Laboratories

Water Quality Division Manager

Senior Sanitary Engineer

Hetch Hetchy All 1, 3, 4

Manager, Bureau of Energy Conservation

Maintenance Engineering Manager

Superintendent of Operations

Administrative Engineer

General Manager, Hetch Hetchy

Junior Civil Engineer

Water and Power Specialist

Water & Power Resources Manager

Senior Industrial Hygienist

Maintenance & Repair Superintendent

Electrical Operation & Equipment Superintendent

Power Generation Technician I

Power Generation Technician II

Senior Power Generation Technician

Power Generation Supervisor

Bureau Of Engineering All 1, 3, 4

Special Assistant XVII

Special Assistant XVIII

Manager, Utilities Engineering Bureau

Principal Civil Engineer))

Bureau of Commercial Land Management All 1((, 3, 4))

Director, Bureau of Commercial Land Management

Land Use Aide

Senior Real Property Officer

Real Property Officer

Asst. Civil Engineer

Engineering Associate II

Bureau of Finance All 1((, 3, 4))

((Manager, Enterprise Accounting))

Head Accountant

Supervising Fiscal Officer

Assistant General Manager, Finance

Senior Administrative Analyst

Principal Administrative Analyst

Rate Administrator

Financial Manager

Special Assistant XV

Bureau of Management Information Systems ((All 1, 3, 4))

Manager, Bureau of Management Information Systems 1

Bureau of System Planning & Regulatory

Compliance All 1((, 3, 4))

Manager, Bureau of System Planning & Regulatory Compliance

Water Resource & Planning Manager

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Project Manager IV

((Manager, Regulatory & Environmental Affairs))

Special Assistant XV

Bureau of Environmental Regulation & Management ((All 1, 3, 4))

((Chief Clerk

Water Services Clerk))

Senior Water Services Clerk	2
Senior Administrative Analyst	2
Bureau Chief	1
Administrative Engineer	2
Junior Civil Engineer	2
Assistant Civil Engineer	2
Associate Civil Engineer	2
Senior Civil Engineer	2
Principal Engineer	2
Sanitary Engineering Technician	2
Wastewater Control Inspector	2
Supv. Wastewater Control Inspector	2
Manager, Regulatory & Environmental Affairs	1
Senior Industrial Hygienist	1

((Bureau of Water Pollution Control All 1

Administrative Services Manager

Supervisor of Lab, Water Quality Control

Public Buildings Maintenance & repair Assistant Superintendent

Sewage Treatment Plant Superintendent

Manager, Bureau of Water Pollution Control

Deputy Manager, Bureau of Water Pollution Control

Chief Stationary Engineer

Stationary Engineer - Sewage Inventory Analysis))

* ((With respect to the Contract Compliance Officer,)) ((a))All personnel, except clerical, assigned by the Human Rights Commission to the Public Utilities Commission ((shall be designated positions required to comply with this Conflict of Interest Code)) to serve as Contract Compliance Officers shall comply with the filing requirements for Contract Compliance Officers under this section (Sec. 58.320).

** With respect to consultants, the General Manager of Public Utilities may determine that a particular consultant is hired to perform a range of duties that fall within those required to comply with the disclosure requirements of this Conflict of Interest Code.

SEC. 58.323. PUBLIC TRANSPORTATION COMMISSION. Disclosure Category 2. Persons in this category shall disclose all sources of income, investments and his or her status as a director, officer, partner, trustee, employee, or holder of a management position in any business entity.

Designated Positions	**Disclosure Categories**
Member, Public Transportation Commission	1
Director of Public Transportation	1
Deputy Director of Capital Projects	1

Deputy Director of Finance, Administration and Personnel	1
Deputy Director of Maintenance	1
Administrative Secretary, Public Transportation Commission	1
Senior Industrial Hygienist	1
Deputy General Manager, Engineering and Administration	1
Senior Administrative Analyst	1
((Public Relations Officer	1))
Transit Manager II	1
Transit Manager III	1
System Safety Inspector	1
Director of Service Planning	1
Automotive Maintenance Manager	1
Administrative Service Manager	1
Material Coordinator	1
Assistant Material Coordinator	1
Electrical Transit Equipment Supervisor	1
Automotive Transit Shop Supervisor I	2
Electrical Transit Shop Supervisor I	2
Transit Equipment Engineer	2
LRV Equipment Engineer	2
Senior Management Assistant	1
Janitorial Service Supervisor	2

Senior Civil Engineer	1
Senior Electrical Engineer	1
Senior Mechanical Engineer	1
Superintendent, Buildings and Grounds	1
Chief Stationary Engineer	2
Signal and Electrical Supervisor	2
Signal and Systems Engineer	2
Staff Assistant VII Special Projects	1
((General Superintendent, Facilities Maintenance	1))
Powerhouse Electrical Supervisor II	2
Manager of Capital Finance	1
Deputy Director of Resource, Planning and Development	1
Chief Accountant	1
Supervising Fiscal Officer	1
Principal Administrative Analyst	1
Senior Administrative Analyst	1
Manager of Engineering Services	1
Manager of Construction Services	1
Manager of Project Management	1
Manager of Capital Planning	1
Project Manager	1
Principal Civil Engineer	1
Departmental Personnel Director	1
Contract Compliance Officer II	1

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Contract Compliance Officer I	1
Chief, Protective Services and Investigation Bureau	1
Manager of Information Services	1
((Management Information Services Manager	1))
General Superintendent Cable Car & Rail	1
Superintendent Overhead Lines	1
((Chief Stationary Engineer	1
Department Personnel Director	1))
Director Community Affairs	1

SEC. 58.325. PUBLIC WORKS DEPARTMENT.

Designated Positions	**Disclosure Categories**
General Office	All 1
Director of Public Works	
Assistant to Director of Public Works	
Deputy Director of Public Works & Engineering	
Deputy Director of Public Works & Operations	
((Deputy Director, Public Services))	
Claims Adjuster	
Office of Financial Management and Administration	All 1
Deputy Director for Financial Management & Administration	
Financial Manager	
Chief of Computer Services	

Contract Administration Head	
Bureau of Architecture	All 1
City Architect	
Assistant City Architect	
Bureau of Building Repair	All 1
Public Building Maintenance & Repair Assistant Superintendent	
Public Building – Maintenance & Repair Superintendent	
Bureau of Engineering	All 1
Chief of Engineering	
Principal Civil Engineer	
Claims Adjuster	
Project Manager I	
Project Manager II	
Project Manager III	
Project Manager IV	
((Bureau of Water Pollution Control	All 1
Manager, Bureau of Water Pollution Control	
Associate Manager, Bureau of Water Pollution Control	
Deputy Manager, Bureau of Water Pollution Control	
Supervisor of Lab, Water Quality Control	
Wastewater Treatment Plant Superintendent	
Administrative Services Manager))	
Bureau of Environmental Services	All 1

Street Cleaning & Planting Superintendent
Street Cleaning & Planting Assistant Superintendent
Bureau of Street and Sewer Repair All 1
Superintendent of Street & Sewer Repair
Assistant Superintendent of Streets & Sewer Repair
Mobile Equipment Supervisor
Assistant Mobile Equipment Supervisor
Bureau of Construction Management All 1
Bureau Chief
Principal Engineer
Senior Engineer
Administrative Engineer
Civil Engineer
Associate Civil Engineer
Assistant Civil Engineer
Chief Surveyor
Building Inspector
Construction Inspector
Cost Estimator
Construction Contract Specialist II
Construction Contract Specialist I
Junior Civil Engineer
((Bureau of Environmental Regulation
& Management All 1
Bureau Chief

Principal Engineer
Senior Civil Engineer
Civil Engineer
Associate Civil Engineer
Assistant Civil Engineer
Junior Civil Engineer
Supervising Wastewater Control Inspector
Wastewater Control Inspector
Sanitary Engineering Technician
Chief Clerk
Principal Water Services Clerk
Senior Water Services Clerk
Water Services Clerk))
Bureau of Street Use and Mapping All 1
Associate Civil Engineer
Bureau of Subdivision, Surveys and Mapping All 1
Bureau Chief
Senior Plan Checker
Chief Surveyor
Construction Inspector
Engineering Associate II

SEC. 58.330. PURCHASING DEPARTMENT. (a) **Disclosure Category 2.** Persons in this category shall disclose all interests in real property.

(b) **Disclosure Category 3.** Persons in this category shall

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DEC 29 1998
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disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Purchasing Department to provide commodities or services to the City and County of San Francisco, or has provided commodities or services to the City and County of San Francisco within the last two years.

(c) **Disclosure Category 4.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco to provide, or has provided within the last two years, commodities or services to either the Division of the Purchasing Department to which the person is assigned, or the Department (other than the Purchasing Department), to which the person is assigned.

Designated Positions	**Disclosure Categories**
Director of Purchasing	1
Assistant Director	2, 3
Supervising Purchaser	3
Senior Purchaser	3
Purchaser	3
Assistant Purchaser	3
((Purchaser – Printing	3))
Reproduction Manager	4
Senior Storekeeper	4
Supervising Parts Storekeeper	4

Principal Parts Storekeeper	4
Senior Parts Storekeeper	4
Parts Storekeeper	4
Storekeeper	4
Materials Coordinator	4
Manager, Fleet Services	4
Assistant Manager, Fleet Services	4

SEC. 58.340. COUNTY CLERK((-RECORDER)).

Designated Positions	**Disclosure Categories**
County Clerk((-Recorder))	1
((Assistant County Clerk-Recorder	1
Senior Administrative Analyst	1
Management Information Specialist III	1
Administrative Assistant	1))

SEC. 58.345. RECREATION AND PARK DEPARTMENT. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and income from any source which leases, rents or operates from property under the jurisdiction of the Recreation and Park Commission, or which provides, or contracts with the City and County of San Francisco or the Recreation and Park Commission to provide, services (including construction, repair and maintenance), equipment, materials, supplies, vehicles, or other items of use to the Recreation and Park Commission or the Recreation and Park Department, or which may foreseeably do so in the future, or which has done so within two years prior to any time period covered by a statement of

economic interest, and his or her status as a director, officer, partner, trustee, employee, or holder of any management position in any such business entity.

(b) **Disclosure Category 3.** Persons in this category shall disclose all income from, and investments in, any business entity, which does business in the jurisdiction, or has done business in the jurisdiction within two years prior to any time period covered by a statement of economic interest, or which may foreseeably do business in the jurisdiction in the future, and his or her status as a director, officer, partner, trustee, employee, or holder of any management position in any such business entity.

Designated Positions	**Disclosure Categories**
Recreation and Park Commissioners	1
General Manager	1
((Assistant General Manager for Administration	1))
Executive Secretary to General Manager	2
Special Assistant XVI	1
Special Assistant XIII (Executive Assistant to the General Manager)	2
Executive Secretary III	2
Recreation Superintendent	1
Parks Superintendent	1
Arboretum Director	2
Golf Director	2
Zoo Director	1

Property Manager	2
Director of Personnel ((& Staff Development))	2
Marina Manager	2
Assistant Superintendent of Parks/Structural Maintenance	2
Assistant Superintendent of Parks	2
Assistant Superintendent Recreation	2
Assistant Recreation Supervisor	2
IS Administrator--Supervisor	2
Principal Administrative Analyst	2
Sr. Administrative Analyst	2
Civil Engineer	1
Architect	2
Assistant Landscape Architect	2
Planner IV	2
Planner III	2
Chief Stationary Engineer	2

SEC. 58.350. REDEVELOPMENT AGENCY. (a) **Disclosure Category 2.** Persons in this category shall disclose all sources of income, investments, and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

(b) **Disclosure Category 3.** Persons in this category shall disclose all income from and investments in businesses that manufacture or sell supplies of the type utilized by the Agency.

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(c) **Disclosure Category 4.** Persons in this category shall disclose all investments in and income from all banks, savings and loan associations, insurance companies, investment companies, stockbrokers, title companies, financial consultants, data processing firms or consultants, but shall not include personal checking or savings accounts or certificates of deposit.

(d) **Disclosure Category 5.** Unless the Executive Director determines in writing that more limited disclosure is permissible, consultants shall disclose all sources of income, interests in real property and investments.

Designated Positions*	**Disclosure Categories**
Administrative Services Manager	1
Agency General Counsel	1
Architect	1
Architecture Supervisor	1
Assistant Development Specialist	1
Assistant Harbormaster	2
Associate Civil Engineer	1
Building/Construction Inspector I	1
Building/Construction Inspector II	1
Civil Engineer (Project Engineers)	1
Commissioners	1
Community Services Manager	1
Construction Coordinator	1
**Consultants	5

Contract Compliance Specialist I	1
Contract Compliance Specialist II	1
Contract Compliance Supervisor	1
Deputy Executive Director	1
Deputy General Counsel	1
Development Services Manager	1
Development Specialist	1
Engineering and Construction Supervisor	1
Environmental Assessment Specialist	1
Executive Director	1
Finance and Information Services Manager	1
Financial Systems Accountant	4
Harbormaster	2
Human Resources Manager	1
Information Systems Supervisor	3, 4
Personnel Analyst	2
Planning Supervisor	1
((Principal Architect	1))
Principal Planner	1
Program Manager	1
Project Area Committee Members	1
Project Area Services Supervisor	1
Project Manager	1
Property Management Supervisor	1
Property Management Specialist	1

Public Affairs Officer	1
Purchasing Assistant	3
Records and Information Supervisor	2
Relocation Supervisor	1
Senior Architect	1
Senior Attorney	1
Senior Civil Engineer	1
Senior Development Specialist	1
Senior Financial Analyst	1
Senior Landscape Architect	1
Senior Personnel Analyst	1
Senior Planner	1
Senior Project Manager	1
Staff Associate IV	1
Staff Associate V	1
Staff Associate VI	1
Staff Attorney I	1
Staff Attorney II	1

* While the listed titles of the designated positions are approved classification titles occasionally titles are changed or working titles are assigned. In these events, the new titles will be substituted into this Code with the same disclosure categories as were applicable to the old titles.

** With respect to consultants, the Executive Director may determine in writing that a particular consultant is hired to perform

a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Executive Director shall forward a copy of this determination to the Clerk of the Board of Supervisors. Nothing herein excuses any consultant from any other provision of this Conflict of Interest Code.

SEC. 58.370. RETIREMENT SYSTEM.

Designated Positions	**Disclosure Categories**
Member, Retirement Board	See Sec. 58.600
Executive Director	See Sec. 58.600
Executive Assistant to the Executive Director	1
Actuary	1
Chief Investment Officer	See Sec. 58.600
Chief Accountant	1
((Portfolio Manager)) <u>Senior Investment Officer</u>	See Sec. 58.600
Administrator, Retirement Services	1
Security Analyst	1
Consultant*	1

* With respect to consultants, the Retirement Board may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required

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to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Retirement Board shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

SEC. 58.375. SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY.

Designated Positions	**Disclosure Categories**
Executive Director	1
((Director, Congestion Management	1))
Director, Plans and Programs	1
Director, Management & Finance	1

SEC. 58.382. PRIVATE INDUSTRY COUNCIL. (a) **Disclosure Category 2.** Persons in this disclosure category shall disclose all investments and positions of management in, and income from any organization that, during the period being reported, has proposed to enter into or has entered into a subcontract or other financial agreement with the Private Industry Council of San Francisco, Inc.

(b) **Disclosure Category 3.** Members of the San Francisco Private Industry Council and of its Audit, Planning, Refugee, or any other committee that selects or recommends the selection of subcontractors of the Private Industry Council of San Francisco, Inc. shall disclose all income from, and investments and positions of management in any organization that, during the period being reported, has been a

candidate for such a subcontract subject to the Council's selection.

Designated Positions	**Disclosure Categories**
Member, San Francisco Private Industry Council	3
Member, Designated Committee of the Council	3
President	2, 3
Vice Presidents	2, 3
Director, Welfare-to-Work	2, 3
Controller	2, 3
Consultants*	1

* With respect to consultants, the President of the Private Industry Council may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this category. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President shall forward a copy of this determination to the Board of Supervisors. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

SEC. 58.383. SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

Disclosure Category 1. Real Property. Persons in this category shall disclose the following:

(a) Interests in real property which is located in whole or in part either

(1) within the boundaries of the District, or

(2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is greater than $1,000.

Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns directly, indirectly or beneficially, a ten percent interest or greater.

(b) Investments in or income from business entities which are contractors or subcontractors which are or have been within the previous two-year period engaged in the performances of building construction or design within the District.

(c) Investments in or income from business entities engaged in the acquisition or disposal of real property within the jurisdiction.

Investments includes any financial interest a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially a, ten percent interest or greater.

Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any

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insurance policy or any bond or other debt instrument issued by any government or government agency.

No investment or interest in real property is reportable unless its fair market value exceeds $1,000. No source of income is reportable unless the income received by or promised to the public Official aggregates $250 in value during the preceding 12-month reporting period.

Category 2. Supplies and Equipment. Persons in this category shall disclose investments in or income from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director, Investments include interests described in category 1.

Category 3. Work or Services. Persons in this category shall disclose investments in or income from business entities which are contractors or subcontractors engaged in the performance of work services of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in category 1.

Designated Positions	**Disclosure Categories**
Members of the Board of Education	1, 2, 3
Superintendent of Schools	1, 2, 3
Deputy Superintendent	1, 2, 3
Associate Superintendent	1, 2, 3
Assistant Superintendent	1, 2, 3

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Special Assistant to the Superintendent	1, 2, 3
Executive Assistant to the Superintendent	1, 2, 3
Chief Financial Officer/Director of Business Services	1, 2, 3
Director, Transportation	2, 3
Director, Food Services	2, 3
Director, Buildings and Grounds	~~1,~~ 2, 3
Director (Certificated)	1, 2, 3
Director, Facilities Planning	~~1,~~ 2, 3
Director, Custodial Services	2, 3
Program Director	1, 2, 3
Coordinator (Certificated)	1, 2, 3
Manager, Payroll Control	1, 2, 3
Manager, Data Processing	1, 2, 3
Project Manager II & III	1, 2, 3
Assistant Fiscal Officer	1, 2, 3
Principal Administrative Analyst	1, 2, 3
Head Accountant	1, 2, 3
Principal Accountant	1, 2, 3
Supervising purchaser	1, 2, 3
Senior Purchaser	1, 2, 3
Purchaser	1, 2, 3
Architect	3
General Manager, KALW	2, 3

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SEC. 58.385. ((SOCIAL)) HUMAN SERVICES COMMISSION. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Department of ((Social)) Human Services to provide, services, supplies, materials, machinery or equipment to the ((Social)) Human Services Department.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which owns or operates any board and care home, foster institution for children or home health agency in the jurisdiction.

(c) **Disclosure Category 4.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which is engaged in the sale of products or services related to data processing.

Designated Positions	**Disclosure Categories**
Members, ((Social)) Human Services Commission	1
((General Manager	1
Budget Director	1
Supervisor, Contracts	2
Investigations Manager, Children's Services	3
Assistant General Manager	1
Director, Administrative Services	1

Supervising Fiscal Officer	1
Assistant Director, Family & Children's Services	3
Assistant Director, Adult Services	3
Supervisor, Support Services	2
Supervisor, Systems Development	4
Materials & Supplies Supervisor	2))
Executive Director	1
Deputy Directors	1
Special Assistants to the Executive Director for Welfare Reform	2
Director, Planning and Budget	1
Manager, Budget & Fiscal Operations	1
Program Manager, Family & Children's Services	2, 3
Program Manager, Adult Services	2, 3
Program Manager, County Adult Assistance Programs	2
Manager, Investigations	3
Director, Support Services	2
Supervisor, Materials & Supplies	2
Director, Contracts	2
Director, Information Technology	4

SEC. 58.390. TREASURER-TAX COLLECTOR. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments in any

business entity and income from any source which provides services, supplies, materials, machinery or equipment to the Treasurer-Tax Collector Department, or which may foreseeably do so in the future, or which has done so within two years prior to any time period covered by a statement of economic interest.

Designated Positions	**Disclosure Categories**
Treasurer	See Sec. 58.600
Chief Assistant Treasurer	See Sec. 58.600
Cash Management & Investment Officer	See Sec. 58.600
Assistant Cash Management & Investment Officer	See Sec. 58.600
((Head Accountant)) Principal Administrative Analyst (Business Tax)	2
Head Accountant (Administration)	2
Tax Collector	1
Deputy Tax Collector	1
Tax Collector Attorney	1
Chief Business Tax Auditor	1
Director, Bureau of Delinquent Revenue	1
Chief Investigator	1
Director, Real Estate Division	1
Senior Administrative Analyst	2
((Senior Management Assistant (License))) Director, Taxpayers Assistance Unit (TPA)	2
Senior Management Assistant (Business Tax)	2

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Special Assistant XV 2

Special Assistant XIII 2

SEC. 58.600. POSITIONS DESIGNATED BY STATE - FILING OFFICIAL. Members of the Board of Supervisors, District Attorney, Mayor, City Attorney, Treasurer, members of the Planning Commission, public officials who manage public investments, and candidates for any of these offices at any election, and any other officer or candidate for office who may be subject to the provisions of Government Code Section 87200, shall file one original of all statements of economic interests with the Ethics Commission, the filing official, who shall make and retain a copy and forward the original to the California Fair Political Practices Commission which shall be the filing officer. ((Members of the Planning Commission shall file one original of all statements of economic interests with the Ethics Commission, the filing official, who shall make and retain a copy and forward the original to the California Fair Political Practices Commission which shall be the filing officer.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Kirsten Korn
KIRSTEN KORN
Deputy City Attorney

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981486 **Date Passed:**

Ordinance amending Chapter 58 of the San Francisco Administrative Code by amending various sections; to add, delete, and change titles of designated officials and employees to reflect organizational and staffing changes not previously reflected in the Code, including changes made by the City since the last biennial review of the Conflict of Interest Code, to refine the disclosure requirements applicable to some designated officials and employees; to clearly identify the filing officer for department heads, and to make nonsubstantive technical changes

November 2, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 9, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Brown

File No. 981486

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 9, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 1 9 1998
~~NOV 1 9 1997~~

Date Approved

Mayor Willie L. Brown Jr.

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ORDINANCE NO. 376-78

RO#48032

City and County of San Francisco

Veterans Building

401 Van Ness Avenue, Room 308

RO#98032

[SETTLEMENT OF LAWSUIT]

AUTHORIZATION SETTLEMENT OF LITIGATION OF THEODORE PHILIBOSIAN AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $30,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "THEODORE PHILIBOSIAN v. CITY AND COUNTY OF SAN FRANCISCO, et al.", Superior Court No. 985604, by the payment of $30,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joanne Hoyer for
PATRICK J. MAHONEY
Chief Trial Deputy

APPROVED:

DEPARTMENT OF PUBLIC WORKS

MARK PRIMEAU
Director

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

1G-AGF-AAA 90-00-00
975016 05311 $30,000.00

401 Van Ness Avenue Room 308
San Francisco, CA 94102-4532

File Number: 981650 **Date Passed:**

Ordinance authorizing settlement of litigation of Theodore Philibosian against the City and County of San Francisco by payment of $30,000.

November 2, 1998 Board of Supervisors — PASSED, ON FIRST READING
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

November 9, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Brown

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File No. 981650

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 9, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 19 1998
~~NOV 19 1997~~

Date Approved

Mayor Willie L. Brown Jr.

File No. 981650 continued...

FILE NO. 98-1503 ORDINANCE NO. 347-98

[Campaign Consultant Fees]

AMENDING ARTICLE XIIC OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.543(C) TO ADD A FEE SCHEDULE FOR CAMPAIGN CONSULTANTS AND TO REQUIRE THE ETHICS COMMISSION TO EVALUATE THE FEE SCHEDULE IN 1999 AND PROPOSE ANY AMENDMENTS TO THE FEE SCHEDULE TO THE BOARD OF SUPERVISORS FOR APPROVAL BY DECEMBER 1, 1999.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article XIIC of the San Francisco Administrative Code is hereby amended by amending Section 16.543(c) to read as follows:

(c) FEES. At the time of initial registration and re-registration, each campaign consultant shall pay to the Ethics Commission a registration fee and an additional fee for each client of the campaign consultant. The amount of the fee shall be: ((These fees shall be proposed by the Ethics Commission for approval by the Board of Supervisors. The fees shall be approved by the Board no later than December 1 for implementation during the following calendar year.))

(i) Campaign consultants earning at least $1000 but not more than $5000 per calendar year shall pay a registration fee of $50 and shall pay a client fee of $50 per client;

(ii) Campaign consultants earning more than $5000 but not more than $20,000 per calendar year shall pay a registration fee of $200 and a client fee of $50 per client;

(iii) Campaign consultants earning more than $20,000 per calendar year shall pay a registration fee of $400 and a client fee of $50 per client.

When a client is acquired subsequent to initial registration or re-registration, the per-client fee shall be paid at the time of filing the information required by subsection (d). The Ethics Commission shall deposit fees collected pursuant to this section in the General Fund of the City and County of San Francisco. On or after July 1, 1999, the Ethics Commission shall evaluate the fees set by this section and propose any amendments for approval by the Board of Supervisors no later than December 1, 1999. If the Ethics Commission or the Board of Supervisors takes no action, the fees set by this section shall remain in effect.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Kirsten Korn
KIRSTEN KORN
Deputy City Attorney

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Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

File Number: 981503 **Date Passed:**

Ordinance amending Administrative Code by amending Section 16.543(c) to add a fee schedule for campaign consultants and to require the Ethics Commission to evaluate the fee schedule in 1999 and propose any amendments to the fee schedule to the Board of Supervisors for approval by December 1, 1999

November 9, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 8 - Teng, Yaki, Ammiano, Bierman, Katz, Kaufman, Leno, Medina
Noes: 2 - Newsom, Yee
Absent: 1 - Brown

November 16, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 8 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki
Noes: 2 - Newsom, Yee
Absent: 1 - Kaufman

File No. 981503

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 16, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 19 1998
~~NOV 19 1997~~
Date Approved

Mayor Willie L. Brown Jr.

File No. 981503 continued...

FILE NO. 98-1776 ORDINANCE NO. 348-98

[Contract for Electric Service]

APPROVING THE CONTRACT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE UNITED STATES, THROUGH THE DEPARTMENT OF ENERGY WESTERN AREA POWER ADMINISTRATION, FOR THE DELIVERY OF LOW COST ELECTRIC POWER FOR USE AT TREASURE ISLAND ON FILE WITH THE CLERK OF THE BOARD OF SUPERVISORS IN FILE NO. 98-1776; AND APPROVING INDEMNIFYING AND HOLDING HARMLESS UNITED STATES AGAINST CLAIMS ARISING FROM THE ACTIVITIES OF THE CITY UNDER THE CONTRACT; AND WAIVING REQUIREMENT OF SECTION 6.57 OF THE SAN FRANCISCO ADMINISTRATIVE CODE THAT EVERY CONTRACT CONTAIN A STATEMENT REGARDING LIABILITY OF CLAIMANTS FOR SUBMITTING FALSE CLAIMS; AND WAIVING REQUIREMENT OF SECTION 21.10-1 OF THE SAN FRANCISCO ADMINISTRATIVE CODE THAT EVERY CONTRACT CONTAIN A STATEMENT REGARDING GUARANTEED MAXIMUM COSTS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors hereby finds and declares that:

(1) The City is currently providing operations and maintenance services at Treasure Island and Yerba Buena Island (TI/YBI) under a multi-year Cooperative Agreement with the Navy.

(2) The City is the local reuse authority for Naval Station Treasure Island under the Federal Base Closure and Realignment Act (BRAC).

(3) The San Francisco Public Utilities Commission is providing the utilities portion of these operations and maintenance services to TI/YBI on behalf of the City.

(4) The Western Area Power Administration (WAPA), makes available for authorized uses low-cost Federal National Defense Authorization Act (NDA Act) electric power.

(5) The City has been able to obtain an allocation of NDA Act power for the purpose of facilitating economic development on TI/YBI.

(6) The City's allocation of NDA Act power for TI/YBI is contingent upon executing a power purchase agreement with WAPA.

(7) Funds for the purchase of power are available in the TI/YBI Project budget now.

(8) The San Francisco Public Utilities Commission approved the Contract for Electric Service on September 29, 1998. The Contract is a standard form used by the United States for purchases of WAPA power. Indemnification of the United States is a required element of the contract. It would be impossible to modify the Contract to include the statements required by San Francisco Administrative Code Sections 6.57 and 21.10-1.

Section 2. The General Manager of the Public Utilities Commission is hereby authorized to execute the Contract for Electric Service with WAPA. A copy of this contract is on file with the Clerk of the Board of Supervisors in File No. 98-1776.

Section 3. WAIVERS. For purposes of this contract:

(1) The Board of Supervisors hereby waives the requirement of San Francisco Administrative Code § 6.57 that every contract include a statement regarding liability of claimants for submitting false claims to the City.

(2) The Board of Supervisors hereby waives the requirement of San Francisco Administrative Code § 21.10-1 that every contract include a statement regarding guaranteed maximum costs.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theresa Mueller
Theresa Mueller
Deputy City Attorney

Veterans Building
401 Van Ness Avenue Room 308
San Francisco CA 94102-4832

File Number: 981776 **Date Passed:**

Ordinance approving the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 981776; and approving indemnifying and holding harmless United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 6.57 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, and waiving requirement of Section 21.10-1 of the San Francisco Administrative Code that every contract contain a statement regarding guaranteed maximum costs

November 9, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Brown

November 16, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Kaufman

File No. 981776

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 16, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

NOV 1 9 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981776 continued...

FILE NO. _____

ORDINANCE NO. 349-98

City and County of San Francisco

Veterans Building

FILE NO. 98-1550 ORDINANCE NO. 349-98

[Parking Regulations]

ADDING SECTION 32.6.18 TO THE SAN FRANCISCO TRAFFIC CODE, REGARDING PARKING REGULATIONS ON A PORTION OF THE SOUTH SIDE OF REDWOOD STREET, WEST OF POLK STREET, FROM 8 A.M. TO 5 P.M., MONDAY THROUGH FRIDAY.

Note: This entire section is new.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The San Francisco Traffic Code is hereby amended by adding Section 32.6.18 thereto to read as follows:

SEC. 32.6.18. PARKING CONTROL, PORTION OF REDWOOD STREET, FROM 8 A.M. TO 5 P.M., MONDAY THROUGH FRIDAY; PENALTIES FOR VIOLATION. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, from 8 a.m. to 5 p.m., Monday through Friday, on the south side of Redwood Street, from 35 feet to 115 feet west of Polk Street, except official City-owned vehicles displaying a valid permit issued by the City Administrator's Office authorizing parking in such zones. The permit exceptions under this Section shall not apply when parking prohibition regulations for street-cleaning purposes are in effect. Violation of this Section is an obstruction to the free use of property and a nuisance within the meaning of Division 4, Part III of the Civil Code of California relating to nuisance and the abatement thereof.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Loretta Giorgi
Deputy City Attorney

RECOMMENDED:

for Bonnie M. Yee
Stuart R. Sunshine, Executive Director
Department of Parking and Traffic

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue Room 308
San Francisco, CA 94102-4532

File Number: 981550 **Date Passed:**

Ordinance amending Traffic Code by adding Section 32.6.18 regarding parking regulations on a portion of the south side of Redwood Street, west of Polk Street, from 8 A.M. to 5 P.M., Monday through Friday.

November 16, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Kaufman

November 23, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

File No. 981550

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 23, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

DEC - 4 1998

Date Approved

Mayor Willie L. Brown Jr.

File No. 981550 continued...

FILE NO. 98-1660 ORDINANCE NO. 350-98

[Excelsior Youth Center Gift Acceptance]

ADDING SECTION 10.117-119 TO THE ADMINISTRATIVE CODE, WHICH AUTHORIZES THE ACCEPTANCE AND EXPENDITURE OF GIFT FUNDS FOR THE CONSTRUCTION OF THE EXCELSIOR YOUTH CENTER, AND ESTABLISHES THE EXCELSIOR YOUTH CENTER FUND.

Note: This entire section is new; there are no deletions

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 10.117-119 is added to the San Francisco Administrative Code, to read as follows:

SEC. 10.117-119. Excelsior Youth Center. (a) The Director of the Mayor's Office of Community Development is hereby authorized to accept and expend, on behalf of the City and County of San Francisco, all gifts made to the City and County of San Francisco, including gifts exceeding Five Thousand Dollars ($5,000), for the development, construction, furnishing, operation and maintenance of the Excelsior Youth Center.

(b) All cash gifts, donations and contributions of money that may be offered for the Excelsior Youth Center are hereby accepted for such purpose, and when received, such monies shall be deposited in the treasury of the City and County in a special fund to be known as the "Excelsior Youth Center Fund." Pursuant to the San Francisco Annual Appropriation Ordinance, the Controller is directed to set up a special fund or account for the gifts donated for the purposes described in this Section.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey

THEODORE R. LAKEY
Deputy City Attorney

SUPERVISOR
BOARD OF SUPERVISORS
10/7/97

City and County of San Francisco

Tails

Ordinance

Veterans Building
401 Van Ness Avenue Room 308
San Francisco CA 94102-4532

File Number: 981660 **Date Passed:**

Ordinance adding Section 10.117-119 to the Administrative Code, which authorizes the acceptance and expenditure of gift funds for the construction of the Excelsior Youth Center and establishes the Excelsior Youth Center Fund.

November 16, 1998 Board of Supervisors — PASSED ON FIRST READING
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki, Yee
Absent: 1 - Kaufman

November 23, 1998 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

File No. 981660

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 23, 1998 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

DEC - 4 1998
Date Approved

Mayor Willie L. Brown Jr.

File No. 981660 continued...

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